

tion of gambling machines and devices; to the Committee on Interstate and Foreign Commerce.

3947. By Mr. KENNEDY of Rhode Island: Petition of 34 members of Woonsocket (R. I.) Young Men's Hebrew Association, favoring passage of House bill 1112; to the Committee on the Judiciary.

3948. By Mr. LEA of California: Petition of Pan American Aeronautics Congress and the Atlantic City Chamber of Commerce, opposing aeroplane antidumping legislation; to the Committee on Appropriations.

3949. By Mr. LONERGAN: Petition of Connecticut Congress of Mothers, favoring the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

3950. Also, petition of Connecticut League of Local Building and Loan Associations, in behalf of the Calder-Nolan Federal building loan bill; to the Committee on Ways and Means.

3951. By Mr. McGLENNON: Petition of American War Mothers of New Jersey, favoring bonus bill; to the Committee on Ways and Means.

3952. Also, petition of Board of Commissioners of the City of Bayonne and William H. Parry, of Newark, N. J., favoring increase in postal salaries; to the Committee on the Post Office and Post Roads.

3953. By Mr. MAHER: Petition of Second Division Post, American Legion, New York, favoring bonus for ex-service men; to the Committee on Ways and Means.

3954. Also, petition of the Butterick Publishing Co., of New York, favoring more pay for postal employees; to the Committee on the Post Office and Post Roads.

3955. By Mr. MERRITT: Petition of Connecticut Congress of Mothers, urging the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

3956. By Mr. O'CONNELL: Petition of American Steamship Owners' Association, favoring transfer of Coast Guard from Treasury to the Navy Department; to the Committee on Naval Affairs.

3957. Also, petition of American Medical Association, favoring publication of medical history of the World War; to the Committee on Appropriations.

3958. Also, petition of Illinois Grain Dealers' Association, favoring House bill 13481; to the Committee on Agriculture.

3959. By Mr. OSBORNE: Petition of Private Soldiers' and Sailors' Legion of California, signed by Cornelius Mobile and 24 others, and Claude McGehee and 27 others, favoring a cash bonus for ex-service men; to the Committee on Ways and Means.

3960. By Mr. RANDALL of California: Petition of Private Soldiers' and Sailors' Legion, California, signed by Paul Chester and 260 other ex-service men, favoring bonus for soldiers in cash payment; to the Committee on Ways and Means.

3961. By Mr. RAKER: Petition of California State Real Estate Association, urging support of House bill 8080, exempting real-estate mortgages from income tax; to the Committee on Ways and Means.

3962. Also, petition of Oakland Chapter of American Officers of Great War, protesting against injustice of leaving them out of the additional compensation bill; to the Committee on Ways and Means.

3963. Also, petition of Henry A. Koster, of San Francisco, Calif., protesting against any bonus legislation; to the Committee on Ways and Means.

3964. Also, petition of Federal Employees' Union No. 1, San Francisco, Calif., urging support of \$25,000 appropriation asked by Civil Service Commission to keep the reclassification-records current; to the Committee on Appropriations.

3965. By Mr. TAGUE: Petition of sundry citizens of the State of Massachusetts, favoring an immediate increase in the salaries of post-office employees; to the Committee on the Post Office and Post Roads.

3966. Also, petition of B. J. Rothwell, of Boston, Mass., urging the immediate passage of the Fess-Kenyon bills, House bill 4438; to the Committee on Education.

3967. Also, petition of Air Reduction Sales Co., of Boston, Mass., protesting against the passage of Senate bill 3223 and House bill 9932; to the Committee on Patents.

3968. Also, petition of Eastern New England Conference Board, International Molders' Union of North America, favoring Irish independence; to the Committee on Foreign Affairs.

3969. By Mr. TILSON: Petition of Connecticut Congress of Mothers, urging the passage of the Sheppard-Towner bill; to the Committee on Interstate and Foreign Commerce.

3970. By Mr. WINSLOW: Petition of 52 citizens of Massachusetts, for favorable consideration of Mason bill in re republic of Ireland; to the Committee on Foreign Affairs.

SENATE.

FRIDAY, May 28, 1920.

(Legislative day of Monday, May 24, 1920.)

The Senate reassembled at 11 o'clock a. m., on the expiration of the recess.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11960) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921.

The message also announced that the House had passed a bill (H. R. 14198) to amend and simplify the revenue act of 1918, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED.

H. R. 14198. An act to amend and simplify the revenue act of 1918, was read twice by its title and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

Mr. UNDERWOOD presented petitions of sundry citizens of Montgomery, Ala., praying for the enactment of legislation providing for the protection of maternity and infancy, which were referred to the Committee on Public Health and National Quarantine.

Mr. TOWNSEND presented a petition of sundry teachers of the Campbell School, of Detroit, Mich., and a petition of sundry teachers of the Alger School, of Detroit, Mich., praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Chamber of Commerce of Kalamazoo, Mich., praying for an increase in the rates on railroads, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Civic and Commercial Association of Sault Ste. Marie, Mich., remonstrating against recognition by the United States of the Soviet Government of Russia, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of Ann Arbor, Mich., praying for the enactment of legislation providing for the protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

Mr. CAPPER presented a memorial of Fair Hope Grange, Patrons of Husbandry, Gridley, Kans., remonstrating against the passage of the so-called Nolan tax bill, which was referred to the Committee on Finance.

He also presented a petition of the Kansas State Federation of Labor, praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

REPORTS OF COMMITTEES.

Mr. POINDEXTER, from the Committee on Mines and Mining, to which was referred the bill (S. 4259) to provide further for the relief of war minerals producers, and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919, reported it with amendments and submitted a report (No. 639) thereon.

Mr. SPENCER, from the Committee on Claims, to which was referred the bill (H. R. 7900) for the relief of Rudolph L. Desdunes, reported it without amendment and submitted a report (No. 641) thereon.

Mr. NEW, from the Committee on Territories, to which was referred the bill (H. R. 13500) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900, as amended, to establish an Hawaiian homes commission, and for other purposes, reported it without amendment and submitted a report thereon.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. STANLEY:

A bill (S. 4454) granting a pension to George T. Cooney (with accompanying papers); and

A bill (S. 4455) granting a pension to Charles C. Watson (with accompanying papers); to the Committee on Pensions.

By Mr. McCORMICK:

A bill (S. 4456) to create a commission on lynching; to the Committee on the Judiciary.

ABOLITION OF CONTRACT RETURNS OFFICE.

Mr. SMOOT. I introduce a bill to abolish the returns office, and I ask to have it referred to the Committee on Finance.

Mr. President, I wish to make a short statement on the bill. Sections 512, 513, 514, 515, 3744, 3745, 3746, and 3747 of the United States Statutes were passed at the time of the Civil War, with a view of guarding against corruption in connection with war contracts. They provide a "returns office" wherein must be filed a copy of each Government contract by the War, Navy, and Interior Department. Such copy must have an original "affidavit of disinterestedness" attached, and must be decorated with seal and ribbon, and be accompanied with copies of bids, offers, proposals, and advertisements involved. Under present conditions all this is pure waste—storage, paper, notary service, printing, ribbon, seals, time, labor, and expense of employees. I introduce this bill for the repeal of the returns office with a view of doing away with this unnecessary and expensive work.

The bill (S. 4453) to abolish the returns office was read twice by its title and referred to the Committee on Finance.

THE ALBANIAN STATE.

Mr. LENROOT. I offer by request a resolution, which I ask may be referred to the Committee on Foreign Relations.

The resolution (S. Res. 375) was referred to the Committee on Foreign Relations, as follows:

Resolved, That the Senate of the United States expresses its sympathy for the Albanian people in their effort to maintain their political independence and national sovereignty and to preserve the territorial integrity of the Albanian State within the frontiers drawn by the London and Florence conference of 1912 and 1913.

Resolved further, That this body expresses its sympathy with the legitimate aspirations of the Albanian people for a union of all Albanians within a single national sovereignty.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. SWANSON submitted an amendment proposing to appropriate \$60,000 for improvement of the post office, courthouse, and customhouse at Richmond, Va., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

He also submitted an amendment proposing to appropriate \$275,000 for installation and improvement of the lighthouse depot at Portsmouth, Va., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with the accompanying papers, referred to the Committee on Appropriations.

LANDS IN OREGON.

Mr. SMOOT. Mr. President, on last Monday, May 24, the Senate passed the bill (S. 3763) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co. To-day I am in receipt of a letter from Hon. NICHOLAS J. SINNOTT, chairman of the Committee on the Public Lands of the House, calling my attention to the fact that a House bill identically the same as the Senate bill passed the House on May 3, and asking me to have the House bill acted upon by the Senate. Therefore, if there is no objection, I should like to have action taken upon the House bill at this time.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Is there objection to granting the unanimous consent asked for by the Senator from Utah?

Mr. UNDERWOOD. Let the bill be read, Mr. President.

The PRESIDING OFFICER. The bill will be read.

The bill (H. R. 9392) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co. was read, as follows:

Be it enacted, etc., That in the administration of the act approved June 9, 1916 (39 Stat. L., p. 218), revesting title in the United States to the lands formerly granted to the Oregon & California Railroad Co. remaining unsold July 1, 1913, and the act approved February 26, 1919 (40 Stat. L., p. 1179), authorizing the United States to accept from the Southern Oregon Co. a reconveyance of the lands granted to the State of Oregon by the act approved March 3, 1869, the Secretary of the Interior is hereby authorized, in his discretion, to sell the timber on lands classified and withdrawn as power-site lands in such manner and at such times as he is now authorized to sell the timber from lands classified as timberlands: *Provided*, That if a valid claim for a preferred right of homestead entry, in accordance with the terms of section 5 of said act of June 9, 1916, or a preference right of purchase or entry under section 3 of said act of February 26, 1919, is shown to exist for lands thus classified and withdrawn, it may be exercised therefor, as provided in section 2 hereof.

SEC. 2. That the lands embraced in homestead entries or sales authorized by the proviso to section 1 hereof shall be subject to disposition as water-power sites upon the compensation of the owner of the land for actual damages sustained by the loss of his improvements

thereon, through the use of the land for water-power purposes, such damages to be ascertained and awarded under the direction of the Secretary of the Interior; and the rights reserved under this section shall be expressly stated in the patent.

SEC. 3. That the provisions of the act of Congress approved May 31, 1918 (40 Stat. L., p. 593), "To authorize the Secretary of the Interior to exchange for lands in private ownership lands formerly embraced in the grant to the Oregon & California Railroad Co.," as amended in section 4 of this act, shall be extended to the lands reconveyed to the United States under the terms of said act of February 26, 1919, and authorize the exchange of lands embraced therein, in like manner and for the same purpose.

SEC. 4. That said act of May 31, 1918, is hereby so amended as to require the applicant for exchange to pay a filing fee of \$1 each to the register and receiver for each 160 acres or fraction thereof of the public lands embraced in proposed selections, whether now pending or hereafter tendered.

SEC. 5. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The PRESIDING OFFICER. The Chair will venture to inquire of the Senator from Utah if the bill for which he asks consideration has been reported from any committee? Does the Senator from Utah now report the bill?

Mr. SMOOT. The bill I have presented is a House bill identical in form with the bill which passed the Senate on last Monday, and I desire it to take the place of that bill.

The PRESIDING OFFICER. The Chair is advised that the House bill has heretofore been referred to the Committee on Public Lands, and is not on the calendar. Is it not necessary that the Senator report the bill from the committee?

Mr. SMOOT. I will say that is what I intended to do when I asked unanimous consent for its consideration. If there is objection, however, I will withdraw the bill immediately.

Mr. UNDERWOOD. I have no objection to the bill in itself. I have no doubt that what the Senator from Utah says is the absolute fact in the case, but I do not think we ought to take up bills which have not been reported after they have been referred to a committee. There is not a very full Senate present, and I do not think we ought to proceed to the consideration of the bill under the circumstances, although I have no objection, if the Senator reports the bill from the committee.

Mr. SMOOT. The committee authorized a report on an exactly similar Senate bill which has already passed the Senate. If the Senator from Alabama does not desire action taken on the measure now, I will withdraw the bill.

The PRESIDING OFFICER. The bill is withdrawn.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had, on the 26th instant, approved and signed the joint resolution (S. J. Res. 189) authorizing and directing the accounting officers of the Treasury to allow credit to the disbursing clerk of the Bureau of War Risk Insurance in certain cases.

WATER-POWER DEVELOPMENT—CONFERENCE REPORT.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3184) to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of "An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes," and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. HENDERSON. Mr. President, there has probably never been a measure before the Senate of the United States that received more careful and thorough consideration by this body than the measure that was finally enacted as section 18 of the river and harbor bill, approved August 8, 1917, and which is now to be repealed by the last four lines of the present water-power bill. Not only once but three times the Senate passed what is generally known as the Newlands Waterways Commission before it finally became a law.

Once it was lost in conference. Once it went out on a reserved point of order raised by Senator Gallinger, whose opposition, I understand, was not to this commission but to another matter in the bill which was of a much different character and which had been put in the bill as an amendment after it had reached the Senate. The third time the amendment creating this commission was passed and agreed to in conference. It is now a law, and a much-needed law, but if this conference report is adopted the amendment which Senator Newlands succeeded in placing on our statute books falls without ever a trial.

All the Members of the Senate who served with Senator Newlands are fully familiar with the years that he devoted to this subject and his untiring efforts to secure this legislation. It harks back to the Inland Waterways Commission appointed by President Roosevelt, of which Senator Newlands was a member. From the time his first bill on this subject was introduced after the report of that commission until the enactment of this measure, in August, 1917, he never slackened his earnest and tireless efforts to secure the adoption of this plan of bringing the different constructive agencies of the Government together in harmonious cooperation and coordination. It was the great dream of his life, and was largely accomplished when section 18 was adopted and became a part of the river and harbor bill of 1917.

There has been perhaps in all the history of the Senate only one other instance of such loyal and tenacious advocacy of a great idea by one Senator, that other instance being the advocacy of the Nicaragua Canal by Senator Morgan, of Alabama. In either case it was practically the life work of a great constructive mind. Senator Morgan's efforts did not bear fruit in the exact way that he had advocated, but no one can say that they did not contribute to the final construction of a canal connecting the Atlantic with the Pacific, though that canal was finally built at Panama instead of at Nicaragua.

In the case of Senator Newlands's great idea the legislation as finally enacted accomplished two out of the three of the purposes embodied in the plan as originally formulated by him. That plan originally contemplated three things:

First. The creation of the machinery for bringing into coordination and cooperation the various agencies, services, and bureaus of the National Government having to do with the great problem of the regulation and control of the waters flowing in the streams and rivers of the United States, and also to provide for cooperation between the Nation and the States and all local agencies.

Second. The making, by this coordinated and cooperating Government agency, on every watershed in the United States a comprehensive plan for the doing of whatever may be required to control and regulate the flow of that river, prevent floods, and standardize the navigable stage of the river throughout the year so far as might be practicable. These plans were designed to be actual plans for construction, the work to be apportioned to the different departments, each taking that part of the work within its jurisdiction: Topography to the topographical branch of the Geological Survey; stream measurement to the water resources branch of the Geological Survey; forest preservation and reforestation and the general problem of watershed protection to the Forest Service; reclamation, whether of arid or of swamp and overflow lands, to the Reclamation Service; channel-improvement work and all work of the character heretofore within the scope of the labors of the Engineers of the Army, to that department.

Third. The original plan contemplated a lump-sum appropriation of \$60,000,000 a year for 10 years, to be apportioned between the departments and expended directly, without the necessity for special annual appropriations by Congress, as was the plan of the United States reclamation act when it was originally adopted and a fund for construction created as provided in that act.

This last part of the Newlands plan was the chief bone of contention between the advocates and opponents of the plan. Senator Newlands believed in it very deeply and adhered to it most tenaciously until the war made it unquestionably impossible to secure any large appropriations for domestic expenditure while that great struggle continued. Under those circumstances Senator Newlands deemed it best to defer that part of his plan and to secure the enactment of the first two branches of it, creating the administrative machinery, and requiring the making of comprehensive plans on each watershed, treating a river as a unit from source to mouth, with a nominal appropriation of \$100,000 toward the cost of making plans, leaving it for Congress to determine, when those plans had been made, as to the propriety of constructing the works therein contemplated.

It must be borne in mind that the purpose of the law as finally enacted was not mere investigation, but the making of plans for actual construction, upon which appropriations could be asked and made to actually build the works and do the things which the plan showed were necessary to be done, in any and every flood menaced valley, and to make available for beneficial use for every practicable purpose, the standardized flow of all the rivers of the country.

It was in this modified form that the bill finally passed Congress and became a law. When that had been accomplished, Senator Newlands felt, and so declared, that the act as passed

inaugurated the great system in such a way that its benefits to the people of the country were at last assured. It was his belief that the local needs of the different localities for the plans provided for by the act would insure that local interest and demand so necessary to set in motion governmental forces in this field, and that when plans had been completed for flood prevention and river regulation upon any given watershed or for the benefit of any special community, the same local interest would be strong enough to secure the necessary appropriations.

In other words, he believed that he had brought into existence, as the result of years of effort, an automatic and self-perpetuating system for ending the terrible devastations that have been wrought in the United States by floods, and turning those agencies of destruction into beneficent agencies for wealth production and human betterment.

It seems difficult to believe that Senator Newlands's brother Senators, the men who have listened to his voice so often in this Chamber as he patiently unfolded this great plan and explained its details, and who have shown their faith in his plan by three times voting to pass this same measure and in the end securing its final enactment, should be willing now to allow the results of all those years of effort to be obliterated and the people of the country deprived of a great boon which the Congress of the United States has after years of deliberation conferred upon them. It is the people of the entire country who will be deprived of the benefits of this act by its repeal. The appeals for its enactment came from every part of the country. No law finally enacted by Congress was more earnestly demanded than this, especially from those sections of the United States menaced by floods. When the Senate set apart September 2, 1918, for memorial addresses on the life and character of the late Senator Newlands, as a part of my address on that day I embodied in the CONGRESSIONAL RECORD history of the great Nation-wide demand that had been voiced for this legislation, extending over a long series of years. That history showed that the West, through the National Irrigation Congress, had repeatedly urged the adoption of the Newlands plan, that the legislatures of several Western States had urged its enactment, that the Los Angeles Chamber of Commerce and many other similar bodies in the West had for years persistently advocated it. Many organizations on the Atlantic slope of the Appalachian Range indorsed it.

The Pittsburgh Chamber of Commerce and the Pittsburgh Flood Commission practically fathered the bill before the country when it was first so modified by Senator Newlands as to particularly include flood prevention and protection in its scope, as well as matters more directly related to navigation, and have repeatedly and continuously supported it, and after the enactment of section 18 they cooperated with other organizations in urging the appointment of the commission thereby created.

The Mississippi Valley has most earnestly supported the measure. As I understand, it was not only an agreed measure in the form in which it was finally passed, but the Senators from the lower Mississippi Valley pledged their support to Senator Newlands for this more comprehensive measure when the Mississippi River flood-control bill was passed, and that pledge was splendidly fulfilled when this Newlands amendment was, at the next session, reported from the Commerce Committee without a dissenting voice and unanimously passed by the Senate and agreed to in conference with only one dissenting vote from the House conferees.

Again, when speaking in favor of the passage of the White Mountain and Appalachian bill, Senator Newlands referred to assurances that he had received from the members of the Committee on Forestry as to their favorable attitude toward what he then termed his larger measure.

I read from the remarks of the Hon. Francis G. Newlands in the United States Senate on Wednesday, February 15, 1911:

Recently, before the Committee on Forestry, which has this bill in charge, I stated frankly the embarrassments under which I labored in continuing my efforts to enlarge this bill, and I am glad to say that there was but one expression in the committee, and that was of interest in and sympathy with the larger legislation which I have outlined—not an absolute committal to all its details, but an indication of friendliness to the general line of action proposed.

Afterwards, on February 21, 1916, when speaking on this subject in the Senate, Senator Newlands referred to the White Mountain and Appalachian bill, and in the course of his remarks said:

THE APPALACHIAN NATIONAL FOREST BILL.

My disposition was, when the Appalachian bill came up, to insist upon the consideration of this measure as an amendment to it. What was that bill? A bill which provided for the acquisition of mountain lands denuded of timber in the Appalachian Mountains and in the White Mountains. Under what power was that legislation sought? Under the interstate-commerce power. How? It was claimed that it affected navigation; that the effect of denuding these vast timber areas was to

precipitate the water falling on them suddenly into streams, thus swelling the streams to enormous proportions and endangering navigation and preventing a stable flow of the streams.

At that time I proposed to offer as an amendment this measure, and I was dissuaded from doing so by the members of the committee having jurisdiction over it. They were afraid that the consideration of a big measure of this kind might imperil the bill, and I was in sympathy with the movement for the acquisition of large areas of denuded land at the source of streams.

I realized not only that those deforested lands were shedding their waters into the streams just as a cemented surface would, but the soil was being stripped off of those lands and they were gradually being reduced to a condition of aridity, such as that which prevails in the mountains of China, where, as you view a mountain scene far distant, you do not observe great altitudes covered with trees and vegetation and green, but simply great, white, exposed, surfaces, apparently of clay and stone, from which the soil has been stripped. That soil goes down into the streams and away into the ocean, where it serves no useful purpose. So I was for the acquisition of those lands as a part of a general system of conservation in this country—a system of conservation which would ultimately fit in with the great scheme of waterway development which I had in view. So, having received assurances from a number of the prominent men of that committee, assurances which I shall likely remind them of in the near future regarding this bill, I reconsidered my disposition to force this bill upon that measure.

And Senator Newlands might have added not only that he refrained from forcing his bill upon that measure, but that he earnestly supported the Appalachian and White Mountain bill on its final passage through the Senate, for in his remarks on that bill made in the Senate February 15, 1911, he said:

For these reasons, Mr. President, I advocate and urge upon the Senate the passage of this bill without any amendment of any kind whatsoever. I shall vote for it.

Mr. President, Senator Newlands is not here to bring to the attention of Senators these numerous assurances given to him at different times to aid in the enactment of this legislation. It was unquestionably his intention to do so, but he was suddenly taken from your midst, and within less than 30 months after his death the Congress is about to repeal the law that he so long and earnestly labored to secure. But, sirs, I can not refrain from making one last effort to keep upon the statute books a law that will be of such great benefit to the people. Nor, Mr. President, can I believe that those assurances given to Senator Newlands by "a number of prominent men of that committee"—referring to the Committee of Forestry—are to be considered as personal. They were for the benefit of the people who have been so widely advocating this plan for the protection of their homes and property from floods, and bringing the rivers of this country under control for all beneficial uses.

Mr. JONES of Washington. Mr. President, I think that I ought to say a word in connection with the remarks of the Senator from Nevada [Mr. HENDERSON] with regard to the matter to which he has referred. I join with him very heartily and very sincerely in his encomium of the late Senator Newlands; it is deserved. The idea of Senator Newlands was a great idea, conceived by a great man, a man of far-seeing vision.

The bill to which the Senator from Nevada refers was passed in 1917, three years ago. The commission authorized by that bill was not appointed and has never been appointed. The House conferees were opposed to the Senate amendment. They called attention to these facts—and they are facts—that in the pending water-power bill and in the act restoring the railroads to their owners provisions are inserted which to a very great extent cover the ideas of Senator Newlands as incorporated in the bill of 1917. It is true they are not quite so broad, and yet they are very comprehensive, and, taking the two together, the House conferees contended—and I think with much force—that the purposes and the objects to be accomplished by that act can be and will be accomplished under the water-power bill and the act restoring the railroads to their owners.

I should like to call attention to one provision in the water-power bill in section 4, as follows:

That the commission is hereby authorized and empowered—
(a) To make investigations and to collect and record data concerning the utilization of the water resources of any region to be developed, the water-power industry, and its relation—

And so forth.

That is quite broad so far as it concerns the investigation of water resources and their utilization in any region where they may be developed.

Then, with reference to coordination of the Government agencies, paragraph (b) of the same section provides that the commission is authorized—

(b) To cooperate with the executive departments and other agencies of State or National Governments in such investigations; and for such purpose the several departments and agencies of the National Government are authorized and directed upon the request of the commission to furnish such records, papers, and information in their possession as may be requested by the commission, and temporarily to detail to the commission such officers or experts as may be necessary in such investigations.

Mr. President, the splendid ideas of this great man have been very largely incorporated in the measures to which I have referred, and, while the pending bill proposes to repeal the clause which provided for that commission, we are continuing in a legislative way the great ideas of Senator Newlands to a very great extent.

Mr. HENDERSON. Mr. President, what is anybody's business is nobody's business. The fear I have is that under the pending water-power bill the provision which has been referred to by the Senator from Washington will be forgotten.

I recall reading the debates that occurred on the floor of the Senate in 1917 when the Newlands Waterways Commission amendment was under consideration. The Senator from Washington, now in charge of the pending conference report, opposed that amendment, not on general grounds, not because he objected to the good that it might accomplish, but because he was afraid that the amendment would permit the President of the United States to appoint the heads of some of the executive departments as members of the commission. The Senator from Washington was not the only Senator that opposed the amendment on that ground. I believe his colleague [Mr. POINDEXTER] likewise opposed it; but at that time the Senator from Minnesota [Mr. NELSON] explained to the Senate that that contention was not well founded; that, in fact, it was not the intention of Congress in adopting the amendment providing for what is known as the Newlands Waterway Commission to grant the President the power to appoint the Secretary of any department on the commission, but it was intended to give the President the power to appoint, for instance, the Director of the Reclamation Service or the Director of the United States Geological Survey, all of which the Senator from Washington fully approved, according to the debates that occurred on this floor at that time.

Now, what happens? The water-power bill creates a commission, and that commission consists of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior. Following the line of the argument of the Senator from Washington three years ago, in addition to their secretarial duties are the duties created and imposed upon them by this bill, and they are not going to have time to carry out the great ideas of Senator Newlands as provided for as stated by the Senator. The amendment introduced by me and adopted by the Senate provides that this commission shall consist of the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior—the same three Secretaries that constitute the commission under this water-power bill—and also the Director and Chief Engineer of the Reclamation Service, the Director of the United States Geological Survey, the Forester and Chief of the Forest Service, and the Engineer of the Corps of Engineers of the United States Army who is in charge of the river improvement work, so that every one of these commissioners would be under the three Secretaries who are named commissioners in the water-power bill. In other words, we will bring together the people who will carry out this work. The salaries that were provided for under the original amendment are eliminated from this amendment. I also eliminate the \$100,000 appropriation provided for in the original amendment, so there will be no expense. With the multitudinous duties now imposed upon the Secretary of War, the Secretary of Agriculture, and the Secretary of the Interior, and the additional duties provided for under this bill, I think it highly advisable that these other four commissioners be named. In other words, I feel that under this amendment as proposed and the Senate adopted the people will receive beneficial results from the old Newlands waterways commission created in 1917.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Washington?

Mr. HENDERSON. I yield.

Mr. JONES of Washington. I agree with the Senator; the Senator's views and mine are very much in accord; but it simply emphasizes what I said a moment ago, that this bill to a great extent is carrying out the great ideas of the late Senator from Nevada, Mr. Newlands.

Mr. Newlands was earnestly and persistently in favor of the sort of a commission that this water-power bill provides—that is, a commission composed of Cabinet officers. I have not changed my mind from three or four years ago. I still think that that was wrong; but this commission was provided in the bill as it passed the House. It has been adopted by the House two or three times, and they are insistent upon it. My view is not in the majority, but I am accepting it in order to get legislation.

Mr. SMOOT. Mr. President—

Mr. JONES of Washington. Just a moment. I think the commission that the Senator's amendment provided for is a

better and more effective commission than the one that we provide for, but I can not have my way about these things. I can not have my way in a good many respects, so I have to bow to the majority. As I said, this water-power bill is carrying out that part of the great idea of Senator Newlands that gives to these Secretaries this power. I think it is unwise to do it, but I am accepting the view of the majority in order to get legislation.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Utah?

Mr. HENDERSON. I yield to the Senator.

Mr. SMOOT. I want to say to the Senator from Nevada that I think a majority of the Senate did not want this commission. I was utterly opposed to a commission. I did not like the principle of it at all; but, as the Senator from Washington has stated, there had to be a compromise in some way in order to get legislation. Two years ago I positively refused to sign the conference report on a bill similar to this, and one of the main objections I had to it was the creation of this commission; but there had to be give and take, and the House insisted upon it. They would not yield in any way, and therefore, in order to get the legislation, we had to yield. I will say to the Senator, however, that a majority of the conferees on the part of the Senate did not want it, and I am quite sure a majority of the Senate did not want it in that shape; but we had to yield in order to get any kind of legislation.

Mr. HENDERSON. Mr. President, in answer to the Senator from Utah I will state that the RECORD shows that only one member of the conference committee voted against it at that time, and that was a Member of the House.

Mr. President, a few minutes ago the Senator from Washington stated that the Newlands Waterway Commission never had been appointed and never had been in effect. That is true; but I have here a copy of a letter that was addressed to the President of the United States on September 24, 1917, by Senator Newlands, shortly after the approval of the bill carrying his amendment, in which Senator Newlands states:

UNITED STATES SENATE,
Washington, D. C., September 24, 1917.

The PRESIDENT,
The White House, Washington, D. C.

MY DEAR MR. PRESIDENT: We have now whole hecatombs of accumulated information, maps, surveys, and data filed away in the departments on nearly every question on which the Waterways Commission will have to report, and the matter of most immediate importance with reference to its organization would seem to be to so organize it as to most effectively insure the utilization of this existing data, together with the utmost economy in securing, through the existing machinery of the departments, such necessary connecting data as may be required.

The amount appropriated for the use of the Waterways Commission is so small as to exclude the possibility of any original investigations being made by the commission. It is only \$100,000. That will be enough, however, to carry the commission along until its usefulness has been so fully demonstrated as to insure its permanence, provided the commission is so organized that it will operate as a coordinating commission, within, through, and as a part of the executive departments which, under the terms of the act creating the commission, it is "to bring together in coordination and cooperation."

We have already had two commissions, the Inland Waterways Commission and the National Waterways Commission, which acted independently of the departments. Both have died, and their work has died with them. The commissions are out of existence, and their reports are forgotten. I believe this Waterways Commission will have the same fate unless it is organized as a part of the departmental machinery of the departments to be coordinated, and works directly under the supervision and authority of the four Secretaries representing the source of authority in those departments.

When I read that letter it occurred to me that the three commissioners named in this water-power bill would not have the time to go into this mass of material and get the information that was needed, and therefore the amendment was prepared and offered. The additional four commissioners to be created under this amendment are already in the Government service and under Government salary, and there would be no additional expense, and they could in the near future get all of this information together and have it ready for the commission to act upon.

In connection with the statement that the President has never appointed the commission, I am going to read a letter that was written to the President of the United States on August 1, 1918:

WASHINGTON, D. C., August 1, 1918.

The PRESIDENT,
The White House, Washington, D. C.

DEAR MR. PRESIDENT: Since the Food Administration was established I have been assisting Mr. Hoover, but when the war service is concluded I will return as general manager of the California Fruit Growers' Exchange.

The membership of the exchange includes 75 per cent of the citrus-fruit growers in California, the crop being marketed and distributed through the association. The problem of water conservation is vital to the prosperity of the sections where this industry is the mainstay of agricultural production, there having been \$200,000,000 invested in California in citrus-fruit production.

We have for several years cooperated in the movement which resulted in the passage last August of the river regulation amendment to the river and harbor bill. Under the old system of appropriations through the river and harbor bills we could get no relief, because our rivers are nonnavigable. This new national system is expressly made applicable to all watersheds in the United States, and proposes to coordinate the work of the four departments that have in the past been working on water problems.

What is most vitally needed in California is a comprehensive plan made by the National Government. When such a plan has been made it will furnish the initiative around which all the local interests can be organized for effective results.

I should like to have the attention of the Senator from Washington for just a minute, because this is directly in line with the matter under discussion. I was afraid for a minute that because of the mention of the name of Mr. Hoover, Senators might have thought that I was taking up another matter; but this is absolutely in point and pertinent to the subject that I am discussing.

As soon as the river regulation amendment was passed the people of San Bernardino, Riverside, and Orange Counties employed a board of engineers and had an engineer's report prepared for submission to the commission provided for by the amendment as soon as it had been appointed.

The people in southern California, acting under that amendment, had a survey made, and they have data prepared, but no commission to which to refer it.

It was understood through the late Senator Newlands that the delay in the appointment of the commission was due solely to your absorption in war problems. We have hoped that perhaps during the present cessation of congressional activities you might perhaps find time to give the matter attention. If this can be done, the coordination and cooperation of the four departments which have been interested in the river regulation movement can be made effective, and the future handling of this great national problem will thereby be assured.

Yours, very respectfully,

G. HAROLD POWELL.

Mr. President, I realize that the commission created under the Newlands waterways act has never been appointed by the President. I am quite sure that the President of the United States is in sympathy with that legislation, and that the commission would have been appointed had we not been in the war. I have every reason to believe that the commission would have been appointed some time ago—in fact, shortly after the adoption of that amendment—had there been any available Army Engineers from whom a selection could have been made, as provided for in the act.

However, Mr. President, under the amendment which I proposed the commission is named, and that commission can serve a very useful purpose to the people of the United States.

Mr. NORRIS obtained the floor.

Mr. KING. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. NORRIS. I yield to the Senator.

Mr. KING. I wish to suggest to the Senator from Nevada that if the writer of the letter from which he has just read conceives that it is the power and the duty of the Federal Government to go into the State of California or into any other State and take charge of the little streams therein and to coordinate those streams which are used for irrigation purposes with the navigable streams of the United States he has a very erroneous conception as to the powers and functions of the Federal Government.

I would regard any legislation as mischievous in the highest degree which had for its purpose what seems to be in the mind of the writer of the letter from which the Senator has just read.

Mr. HENDERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Nevada?

Mr. NORRIS. I yield to the Senator.

Mr. HENDERSON. I simply want to state that I read the letter to show the widespread interest throughout the country, what the people are doing, and how eagerly they want this legislation as passed in 1917.

Mr. KING. If the Senator from Nebraska will just pardon me one word, Mr. President, I am afraid the writer of that letter, as well as many other people, have fallen into the foolish and indefensible and very regrettable state of mind that the Federal Government should go in and take charge of the little streams, clean them out, and aid the individuals in their work of reclamation, in their farming operations. I think the majority of the people of the United States do not entertain that view, and they look with detestation upon this constant usurpation of authority by the Federal Government, which involves the destruction of the State, and the assumption by Congress of the most elementary duties and responsibilities resting upon individuals and upon communities.

Mr. NORRIS. Mr. President, in opposing the conference report I shall confine my remarks almost entirely to one amendment, the amendment which was put into the bill on my motion on the floor of the Senate when the bill was in the Senate, providing for the development by a governmental commission of the power at Great Falls, just above the District of Columbia line.

In confining my remarks, however, to this particular topic, I do not wish to be understood as favoring the bill as agreed upon in conference in a good many other particulars. I never did like the commission which has been provided for by the bill. I think it ought to have been an independent commission, not made up of Cabinet officers, who change every time there is a change of political control, and often change on account of different factions in one political party. However, I would not have regarded that objection as being sufficiently serious to bring about my opposition; but in order to save the time of the Senate I will not go over the argument which has been made, particularly by the Senator from Wisconsin [Mr. LENOX], in which I concur.

There are two fundamental proposition to which he called the attention of the Senate, and which he discussed quite fully, which I believe ought to be eliminated from any water-power bill which Congress enacts. One of them is that particular part of the bill which in effect makes the lease perpetual, and the other is the recapture clause. But since that has already been fully discussed, I am not going into it further than to say that I agree with the conclusions reached by the Senator from Wisconsin.

When the bill was in the Senate there was an amendment put on which provided for the development of the water power at Great Falls. I realize how difficult it is for conference committees to agree, and I realize that the conferees on the part of either House can not get all they want, and that they have to compromise, necessarily, in order to get legislation. The Senator from Minnesota [Mr. NELSON] championed the Senate amendment, I understand, in the conference, and was almost alone in his efforts to have the conferees agree to the amendment. There were members of the conference committee who were opposed to it in the Senate and who were outvoted on a roll call of the Senate when the amendment was adopted. There was at least one of the House conferees who was most heartily in favor of the House receding and agreeing to the amendment.

Mr. JONES of Washington. Mr. President—

Mr. NORRIS. I yield to the Senator.

Mr. JONES of Washington. I wish to say to the Senator that personally I have always been in favor of this proposition, I have supported it at every opportunity, and have hoped that we would be able to get this development. I have referred many times in my State to the situation here as an example of the way the East conserves water power. I heartily supported the Senator from Minnesota [Mr. NELSON] in the conference, if I may be permitted to say that, although probably I did not insist so strenuously as he, because I was convinced that we could not accomplish anything further than we did. If I had had any hope of doing so, I would have stood out to the last, because I am heartily in favor of the Senator's proposition, or of any proposition which will lead to the development of this water power.

Mr. NORRIS. I thank the Senator, and I accept his explanation in perfect good faith and at full value. I have no doubt he did just what he has said, and I know he has favored the proposition in the past.

Mr. NUGENT. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. NUGENT. The Senator, of course, is aware of the fact that I voted against the water-power bill when it was passed by the Senate, and I have been at all times, and am now, opposed to its enactment into law. The principal reason on which my opposition to the measure is based is that in my judgment it practically makes a gift to private interests of all the water-power sites in the United States now in Government ownership, including those on the St. Lawrence River and at Niagara Falls, and before the Senator concludes his argument, if it meets with his approval, I shall be glad to have him state his opinion in respect to that proposition.

Mr. NORRIS. Mr. President, I have been so extremely busy with other matters, particularly conference reports, and on account of the absence of the chairman of one of the great committees a great burden has fallen upon me, so that I have not had time—it has been a physical impossibility—to gather together some things which I would have liked to present to the

Senate on this question. So it may be that I will disappoint the Senator from Idaho.

However, let me say that in the amendment which was put on by the Senate provision was made for the development by the Government, through the instrumentality of the commission provided in the bill, of electric power at Great Falls and the increase of the water supply of the city of Washington. That is a very important proposition, and it ought to be connected up with the hydroelectric energy at Great Falls. The two can be worked together with great economy to both, and the particular project named in the bill as it passed the Senate provided for that kind of a development. I had no pride of authorship. I had no desire, Mr. President, to insist on any particular language. I would have been perfectly willing if the conferees had brought back here an amended proposition, so long as they had kept in it the one fundamental idea, that the Government by the law should be bound to develop this water power.

I would be perfectly willing, as I tried to provide in the amendment, that the commission should discard and throw aside the particular project named in the amendment and follow altogether new or different lines, provided that they should be permitted to build one dam, or two dams, or more, that they should let the contract, and do the work in that way, or that they should do the work as representing the Government and on behalf of the Government. I would not have cared if the amount of the appropriation had been changed, or any of its details had been changed, if we had settled by law the one thing that made it obligatory upon Government officials, some time at least, to enter upon this great work. But, instead, the conference report strikes out the amendment and comes back with an amended proposition which simply provides for an investigation by a commission and makes an appropriation to pay the expenses of that investigation.

Mr. President, for a great many years the Government has been investigating and investigating and appointing commissions and spending public funds investigating and reinvestigating this proposition. I presume it has been investigated more in detail than any other water-power proposition anywhere in the whole world, and almost invariably, so far as I know, without exception, where an investigation was thorough, or attempted at least to go into the details of it, the result was favorable and a recommendation made that the water power at the falls should be developed.

So it seemed to me the time to investigate, the time to appoint commissions to look it over and spend money, was past. I submit as my judgment that about all that will be necessary will be to some time get a commission which will make an unfavorable report, and then that will always be pointed to as a sufficient reason why this work should never be done by the Government.

Mr. NUGENT. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Idaho?

Mr. NORRIS. I yield.

Mr. NUGENT. I would like to inquire of the Senator from Nebraska how many investigations have been made of the Great Falls water-power proposition?

Mr. NORRIS. I will give a partial list before I conclude, and I do not know but that I might as well do that now as at any other time. This list, I judge, is not complete.

George Washington, I believe, made the first survey up there, but in 1894 there was a project known as the Frizell project, and a report made on that. Then came the Herschel project, in 1902. Then came the Sellers project, in 1903. Then came the Shireff project in 1903, and a Shireff project in 1904. Then the Kennedy project, in 1907, and the Nicholson project, in 1900.

Mr. NELSON. Mr. President—

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. NELSON. I wish to say a few words while the Senator from Illinois [Mr. SHERMAN] is here. I have been heartily in favor of the proposition of the Senator from Nebraska, as he knows, from the beginning. We did the best we could to get his amendment accepted in the conference, but the House conferees absolutely declined to yield.

The Committee on the District of Columbia is under the leadership of the very able Senator from Illinois [Mr. SHERMAN]. We have provided in the bill for a new survey and a new examination of the water-power question, and the report is to be made before the beginning of the next session of Congress. I sincerely trust the Senator from Nebraska, with his usual energy and activity, will take up the matter at the next session of Congress and see that something is done in the way of the improvement of that water power, to the end that Washington may get a more ample supply of water and to the end

that electrical power may be secured here for operating at least the Government buildings.

Mr. SHERMAN. Mr. President—

Mr. NORRIS. I yield to the Senator from Illinois.

Mr. SHERMAN. I think I have said to the Senator from Nebraska in private conversation that I saw no good reason to oppose the creation of proper authority to make this survey and to do so promptly. The Senator from Minnesota [Mr. NELSON] has stated the condition up to the present time. If the matter comes to the District Committee, I assure both Senators, as well as other Senators here present, that it will have prompt action and that I myself will support the measure. I see no reason for delay, and so far as I have any authority in the committee it will receive very prompt action, as well as have my support on the floor of the Senate.

Mr. NORRIS. I thank both Senators.

Mr. JONES of Washington. As the Senator knows, I happen to be a member of the District Committee, and I shall welcome the report and shall welcome action upon it just as quickly as possible after it comes in.

Mr. NORRIS. I will refer to that again when I complete the statement of these various reports.

In 1911 the Leighton project was proposed. In 1913 the Seneca Falls project and the Langfitt-Herschel project, in 1913 the Leighton-Herschel project, and in 1916 the project known as the Hamilton project. I am not going into detail with reference to those various projects. The particular one that I wish to discuss, and which I think has been conceded by most of those who have investigated the subject as being the best, is the Langfitt-Herschel project of 1913.

The investigation by Col. Langfitt, now Gen. Langfitt, came about from the appropriation of \$20,000 in 1912 that was made in the sundry civil appropriation bill, or, at least, in some appropriation bill. Col. Langfitt, one of the great engineers of the Army, had charge of that report, and used \$20,000 in making the investigation. I have heretofore outlined that report before the Senate. It was a most comprehensive report. It went into every detail. The project was examined from all directions, and there was a definite recommendation made. The report provided for the development of hydroelectric energy amounting to an average of 66,000 horsepower, and likewise provided for an increase of the water supply of the city of Washington, so that if the ordinary increase of population should continue until 1950—I think it was—it would be sufficient to supply the needs.

It is understood, of course, that there are various ways in which this power might be developed, and that accounts for all these different projects. One utilizes the Great Falls proper, which in itself is a great water power. Others utilize the fall of the river between Great Falls and the District of Columbia line. That is what Langfitt did, and did not interfere with Great Falls, so that those who wanted to preserve it on account of its beauty would have no occasion to complain. Other projects have taken in all of the power between the District line and Great Falls and included the falls proper. Others take up the question of the construction of dams for the impounding of water farther up.

The weak point, and, as far as I know in my investigation the only weak point in the entire proposition, is that there is a great variation between high water and low water in the Potomac River.

Mr. JONES of Washington. Will the Senator allow me to interrupt him there and ask a question?

Mr. NORRIS. Certainly.

Mr. JONES of Washington. I have not examined the report for quite a long while. It was suggested to me the other night by some one—I forget now whom—that some engineer, in talking with him, stated that in his opinion the report did not discuss the matter that would be involved in connection with the canal running along there, and that in his judgment that was one of the serious difficulties in the way, that if they built a dam it would flood the canal. I do not remember whether the report discusses that or not.

Mr. NORRIS. The Senator is misinformed or his informant was misinformed. The Langfitt report does discuss and provide for it, and tells just what is to be done and what it will cost to do it.

Mr. NELSON. Mr. President—

Mr. NORRIS. I yield to the Senator from Minnesota.

Mr. NELSON. My recollection is that it recommends practically what I would call subsidiary reservoirs farther up the stream; that is, some minor dams with reservoirs to hold the water farther up, and in that manner insure a supply of water for the dry season.

Mr. NORRIS. The Langfitt report itself does not do that. Although I have talked personally with Col. Langfitt and he has

made some investigation of the subject, he did not do it in this report. Without the construction of a dam we would have a minimum horsepower—and that would be only occasionally, once in 15 years, and only a day or two then on an average, as the stream has been measured in the past—of 16,000 and a maximum horsepower of 99,000.

Col. Langfitt did not propose to utilize the falls proper. He utilizes the fall of the water between the foot of the falls and the District of Columbia line, where he proposed to construct the dam. It would have made a lake 115 feet deep at the deepest end and 9 miles long, and would have added greatly to the beauty of the surroundings of the Capital city. It would have made a great body of water there that would have been utilized by visitors to and residents of this city to great advantage.

By the construction of some reservoir dams farther up the river and the construction of the Langfitt Dam at the line, and then utilizing the falls proper, we would have more power twice over than would be sufficient to turn every wheel and light every house and run every elevator in the District of Columbia. Col. Langfitt did not propose to utilize it all, at least in the first instance, because he thought it was unnecessary and that could be done later if demand were made for more power.

So, as far as the development of this site goes, it has been practically exhausted, as far as examination of it is concerned. It has been investigated for years and years and years, and the water is still going down over the falls. Any man, whether he is an engineer or not, who will go out there and see the fall of the water will know that it is an economic sin to permit that power to go to waste. If that had been developed, according to this report, in 1913, we, for instance, would not have seen what happened in the city of Washington during the war and what is liable to happen next winter—a great coal shortage and perhaps a water shortage. We were right on the verge of that and will be again without any doubt. But for some reason or other some one somewhere has always been able to defeat the real development of this power.

Mr. BORAH. Has the Senator ever been able to locate them?

Mr. NORRIS. I said once here that it seemed to me one of the reasons or the first reason why it was not developed was the Potomac Electric Power Co., and the second reason was the Potomac Electric Power Co., and the third reason was the Potomac Electric Power Co. Of course there are other institutions of a similar nature outside of the city of Washington who do not want to have this power developed, because it would be an illustration of what could be done in water power. Right here, too, is an illustration of what the Government could do. The Government uses more electric energy and more light and more power than any other one customer in the District of Columbia.

Let me go back to the interruptions and speak of the effect of this new proposition which is going to come before the Committee on the District of Columbia. I hope it will turn out just like Senators have said it will, and that there will be action on it, but without casting reflection upon any member of the committee—for I want it distinctly understood that I do not, because I realize the multitudinous duties of Senators in committee work, and I realize that it is a physical impossibility for them to give attention to all things, important though they may be. Yet I have tried this proposition in all kinds of ways. I once introduced a bill and had it referred to the Committee on the District of Columbia, and I sent to every member of the Committee on the District of Columbia a copy of Langfitt's report, and I talked with most of them. It was finally referred to a subcommittee, but there was never any action.

One reason for it was that the War Department at that time reported against it. The bill was referred to the Secretary of War and referred to the District Commissioners. The District Commissioners promptly reported in favor of it. I said the Secretary of War reported against it. I may be wrong about that; it may be he did not make any report at all, but I remember I took it up with him afterwards in order to get him to make a report, and I was told by some official in the War Department that some engineer had written an article, condemning the Langfitt report, and that it was because of that that nothing had been done. I inquired what the article was and where I could get it and who was its author. I found that it was a magazine article of a couple of pages which had been written, in which they said in substance, as I remember it, that Langfitt, in reaching the cost, had omitted some things in his report that he ought to have included, or put something in that ought to have been excluded, I do not now remember which.

I afterwards met the author of the article, and while he said he was not at that time employed by the Potomac Electric

Power Co., he admitted to me that he had been in their employ. I thought from my conversation with him, although I was not a technical man and he was, that he did not even satisfy himself that he had made a good case.

However, Mr. President, we are not technical men; we are not engineers. I confess that I do not know as to these matters. If I should be intrusted or charged with the work I would not know what to do, but I should have to turn it over to engineers, to technical men. When we examine their report and find, so far as we are able to see, that the project is a proper one and that they recommend it, we have to follow the judgment of the technical experts, and a horde of them have almost universally been in favor of the development of this great power project. When there was a change in the office of the Secretary of War and the present incumbent, Mr. Baker, became Secretary of War, knowing what his reputation had been in such matters, I thought that we would at once get a favorable report from the War Department on this project, and that the work could be inaugurated.

Mr. NUGENT. Mr. President—

Mr. NORRIS. I yield to the Senator from Idaho.

Mr. NUGENT. I should like to ask the Senator to explain, if he is familiar with the facts, the connection existing between the Potomac Electric Power Co. and the bankrupt, broken-down, jerkwater abomination which is known as the Washington Railway & Electric Co.

Mr. NORRIS. Mr. President, I have gone into that matter in times past and I shall have to speak now mostly from memory; but the Washington Railway & Electric Co. owns one of the street railways of the city of Washington; it also owns all of the stock of the Potomac Electric Power Co., which is the corporation which supplies the city of Washington with light and with some power. Between the two somewhere—I have forgotten now just how it is owned—there is another corporation, I think, which is called the Great Falls Power Co., which, I believe, has a capital stock of a million dollars. The real purpose of the Great Falls Power Co., in my judgment, is to prevent the development of the Great Falls. It claims to have some rights there that must be acquired before Great Falls can be developed; but it has been in existence for a great many years, and the stock, as I now remember, has been transferred from the Potomac Electric Power Co. to the Washington Railway & Electric Co. whenever the income of the Potomac Electric Power Co. has become so great that they fear a reduction of rates, and when the income of the other corporation crept up it would be transferred back to the other company. Something of that kind has gone on in the past; I have forgotten the details. The Great Falls Power Co. is a corporation which for a great many years past has owned and, I suppose, it now owns some rights at Great Falls. It claims to have some controlling rights; but it has never done a thing toward the development of the power which it was organized to develop.

Mr. JONES of Washington. Will the Senator from Nebraska permit me to interrupt him?

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. Has the Senator read the opinion of Mr. Justice Gould, of the Supreme Court of the District of Columbia, in reference to this matter?

Mr. NORRIS. Yes. I have it here before me.

Mr. JONES of Washington. I thought it would be interesting in that connection merely to quote what Mr. Justice Gould says about the situation at Great Falls; but as the Senator has that opinion, I will not now interrupt him.

Mr. NORRIS. I was going to read a paragraph from that opinion in answer to the question of the Senator from Idaho.

Mr. JONES of Washington. Very well.

Mr. NORRIS. If I do not read what the Senator from Washington desires to have placed in the Record, I shall be glad to have him again interrupt me when I shall have concluded.

Mr. JONES of Washington. I merely thought it would be interesting to the Senate to note the fact that this company tried to have included for rate-making purposes the million dollars for its right at Great Falls; and I thought it would be interesting to have the opinion of the court in the Record, showing what the court thought about it.

Mr. NORRIS. Mr. Justice Gould passed upon that question and rendered an opinion which is very lengthy; it takes up a great many other questions which were involved; but as bearing on the question submitted by the Senator from Idaho, I will read a paragraph that refers to the particular corporation of which I have been speaking, that claims some rights at Great Falls.

Mr. NUGENT. From what report is the Senator about to read?

Mr. NORRIS. I am going to read from a decision of Mr. Justice Gould. He was passing at that time on the valuation

of the Potomac Electric Power Co. for the purpose of fixing rates, a valuation made under the law by the Public Utilities Commission. The Potomac Electric Power Co. appealed from that decision, the question was submitted to the court, and Justice Gould rendered the opinion. In referring to this particular corporation, he said:

The power company also claimed that it had a right to the allowance, as part of the historical cost of its property, of the sum of \$1,000,000, representing what it paid in its stock—

It paid that sum in stock, remember—

for certain water rights at what is known as the Great Falls power site. It is a significant fact that these rights to this nonproductive property were not only previously acquired by the Washington Railway & Electric Co. and held by it for 12 years before it transferred them to the power company, but that title, up to the time of the hearing in this case, had not been perfected, either in that company or in the power company. It is also worthy of notice that shortly before the public utilities law was enacted the Washington Railway & Electric Co. and the power company, acting through identical boards of directors, consummated a transaction by which these rights were transferred to the power company for \$1,000,000 of the stock of the latter company. This power site is located outside the District of Columbia.

In other words, they issued a million dollars' worth of stock and then gave it for a transfer of these uncertain rights which were owned by the Great Falls Power Co., which they have never tried to utilize for the improvement of the property but have simply held out of use. They were anxious that the Potomac Power Co. should have a right to include that as a part of their valuation and get returns on it in the way of charges for electricity to the consumers of the District of Columbia.

The court proceeds:

It has never been used for the purpose of supplying power to those who use electric current in the District of Columbia, nor is there a scintilla of evidence in the record that it ever will be so used by the power company. Its actual value is problematical, and the ability of a private owner of power rights at this site to develop them is further complicated by the larger Federal Government's interest therein. No witness who claimed to have any knowledge on the subject testified as to what the value was. For these reasons there was no justifiable theory upon which the \$1,000,000 of stock issued for it by the power company could be treated as an actual value of \$1,000,000 upon which the power company would be entitled to collect revenue from its patrons in the District of Columbia. The commission, therefore, did not err in excluding it, either as an item in the historical cost of the property, or in the reproduction cost, or in its finding of fair value.

Mr. NUGENT. Then, as I understand it, Mr. President, the Great Falls Power Co. claim to have certain rights in respect to the power site at Great Falls, and have for years claimed those rights. Am I correct in that?

Mr. NORRIS. In substance the Senator is correct; but it comes about in this way: In the first place, the Washington Railway & Electric Co. secured the stock in the Great Falls Power Co.; they sold the stock in that power company to the Potomac Electric Power Co. and received from the Potomac Electric Power Co. a million dollars of its stock; that is, the Potomac Electric Power Co. transferred to the Washington Railway & Electric Co. a million dollars of stock, and the railway company transferred to the Potomac Electric Power Co. title or the stock of the Great Falls Power Co., which was a corporation claiming to own and control some rights at Great Falls.

Mr. NUGENT. When were those water rights initiated, if the Senator knows?

Mr. NORRIS. I do not have that information here and I am sorry I am not able to advise the Senator as to that, but it was a great many years ago. The transfer of the Great Falls Power Co. from one corporation to another, of which the court speaks, was made 12 years ago. So we have here three corporations, all under the same ownership, as the court says, and with the board of directors of two of them identical, which two transfer the stock of the third from one to the other.

Mr. NUGENT. And during all those years there has been no development of electric power under those rights?

Mr. NORRIS. None whatever.

Mr. NUGENT. On the contrary, I gather from the Senator's statement that the corporations interested in the matter have during all those years blocked every effort on the part of Congress to have electric power at Great Falls developed by the Government.

Mr. NORRIS. Mr. President, I have no doubt in my own mind that the Great Falls Power Co. was organized for that purpose and exists for no other purpose. If the Government does ever undertake to develop the power at Great Falls—and the Government owns some property there also—it will find this corporation very anxious, and there will probably be some litigation as to what their rights are.

Mr. President, as I was about to say when the Senator from Idaho interrupted me, when Secretary Baker came into office I thought that we certainly would secure the development of Great Falls, because, as I looked at the matter, it really only

lacked the approval of the War Department and the submission of an estimate on their part to secure provision for the development by Congress. I went to see the Secretary; I talked the matter over with him; I handed him personally a copy of the Langfitt report. He told me he would have the project thoroughly examined, and later on he appointed a commission which made an unfavorable report. There was no money appropriated for the commission; they did not claim that they made any deep investigation; but what they did do, in the main, was to examine the various reports which had theretofore been made, and I presume looked the ground over.

I thought from what I saw in the newspapers when they submitted their report that it was favorable, and I wrote the Secretary of War a letter, to which I received an answer in which he sent me a copy of the report and called my attention to the fact that it was not favorable, but was unfavorable. I send to the desk the letter to me from the Secretary of War in which he forwarded the report, and ask that the letter may be read at the desk.

THE VICE PRESIDENT. Without objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

WAR DEPARTMENT,
Washington, October 8, 1916.

Hon. G. W. NORRIS,
United States Senate.

MY DEAR SENATOR: Referring to your letter of the 26th ultimo concerning the recent report on the Great Falls power development, I note that you refer to the report as "favorable." It is presumed, therefore, that you have not seen a copy, and I am inclosing one herewith, believing that it will be of special interest to you.

It will be seen from the conclusions of the board (p. 20-22) that they think the cost of power from the development will be little if any cheaper than could be obtained by a steam plant, and also that they think thorough studies should be made of all phases of the project before the United States embarks upon it. They state that this will require the provision of adequate funds in order to provide for the field work and further study now shown to be required. They do not give their opinion concerning the probable cost of the examination, but quote the view of the district engineer officer who considers \$10,000 a fair sum.

Conditions have changed materially since the investigation of 1912 under direction of Col. W. C. Langfitt, Corps of Engineers (H. Doc. 1400, 63d Cong., 2d sess.), and in view of the recent remarkable development of the steam turbine and the evident wisdom of making a canvass of present demands for power in the District of Columbia and the present outlook concerning future demands, I concur in the conclusion of the board that the United States should not embark upon the project until all phases have been thoroughly considered in the light of present-day experience and present conditions.

In the absence of specific direction from Congress, I am not in a position to lay this subject before them with recommendation for action. The information before me does not show conclusively that further investigations will prove the development a wise undertaking. The indications are that its advantages, if any, will be small. If you deem it wise, however, to introduce a resolution for the thorough studies suggested by the board, this department will be glad of the opportunity to investigate and settle the question conclusively.

Very respectfully,

NEWTON D. BAKER,
Secretary of War.

MR. NORRIS. Mr. President, it will be noted that the Secretary in this letter states that he is opposed to this development unless another investigation is made and it is shown to be a feasible one, although he does not decide definitely against it. He says he concurs in the conclusion of the board. The board, among other things, found that if this water power were developed now it would produce a great deal more electric power than the Government and the District could use, and hence we would have a lot of power developed that we could not use, and of course the charge for the entire development would come from the consumers who did use it, and therefore it would make an expensive proposition.

In the same report, however, they say that another objection to it is that if all the power developed should be utilized by the various industries, the railway systems, and so forth, it would take all the power that was developed, and hence in years to come, when we needed more power, we would not have it, and so they were opposed to its development.

I answered this letter of the Secretary of War, and because my reply goes into the matter in detail and gives what I believe to be the correct conclusions that must be arrived at I ask that my reply to the Secretary of War may be read.

THE VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Assistant Secretary read as follows:

UNITED STATES SENATE,
Washington, D. C., November 29, 1916.

Hon. NEWTON D. BAKER,
Secretary of War, Department of War.

MY DEAR MR. BAKER: Upon my return to Washington I find your letter of October 8, together with inclosure as stated, awaiting my attention. The only thing I had heard in regard to the report made by the board appointed by you to investigate the Great Falls proposition was some newspaper comment, and that comment gave me the impression that

the report was favorable. I have read the report which you kindly inclosed very carefully, and I confess I am at a complete loss to see why this report made by this board should be considered by you sufficient to offset the report made by Col. Langfitt, as shown in House Document 1400, Sixty-third Congress, second session. Col. Langfitt's report was, I think, the most complete investigation that had ever taken place in regard to the Great Falls project. Indeed, I am unable to see how by any further investigation any additional light could have been thrown upon the subject. This report, it seems to me, completely exhausted the subject and was as complete in every detail, I presume, as any report that has ever been made in regard to any water-power proposition either in this or in any other country. To have this set aside, annulled, and held for naught by a report of Army officials, who made really no examination of the subject, except to analyze the various reports that have been made from time to time during the years that have passed, is something I am unable to understand. Even an examination of all these reports which they reviewed in their report, I think, will convince almost any disinterested and fair-minded person that this water-power proposition ought to be developed. As I remember, practically every report that has ever been made where any thorough investigation has taken place has been favorable. This board has made an argument against the development of this water power that is very similar to any argument that would be made by any person who was opposed to the proposition on the general theory of being opposed to any governmental development of any great resource. The fact that they happen to be officers in the United States Army does not, in my judgment, add anything to their argument, and even they admit that the proposition is feasible. The idea of making a further investigation and the expenditure of a further sum of public funds does not appeal to me when such a thorough investigation was made at the expense of \$20,000 by Col. Langfitt and his assistants. If your theory is correct, then there is no use of the Government ever trying to develop any proposition of this kind. Under your theory the lifetime of those who are living and some who are unborn would be taken up in investigations. When Congress appropriated \$20,000 for the investigation of this project it was supposed to be an investigation that would determine whether or not the Government should undertake the development. Col. Langfitt spent \$20,000 in making this investigation. His report in every detail was favorable. Now, the proposition is to make a further investigation. If this is done and another board spends \$10,000 more, as suggested by this report, in another examination, it will simply mean that by the time this report comes in some one of your successors, if he follows your theory, will ask that still another investigation be made to see whether the work should be done. This is one of the ways to which those who oppose progress always resort when there is no valid reason existing for further delay. Ever since the Langfitt report was made there has been nothing on the part of those who oppose this development except delay. If the Langfitt report, complete as it is, is not a sufficient reason for making this great improvement for the benefit of the Capital City, then we can never in the future expect to get one that is.

I note with a great deal of interest that one of the arguments used by your board against this development is that there is already a supply of electricity at very reasonable rates furnished by private enterprise and that the development of this great project would put them out of business, and thus be an injury to vested rights. If this is a valid argument, then it will be no use whatever to spend more of the public funds in investigations. If this argument is valid, then we ought to stop all progress and all improvement everywhere.

Another argument made, and it is a familiar one, is that the law under which Col. Langfitt made his investigation gave as a reason for the investigation the desirability of this improvement for the purpose of supplying the light and power for use by the Government of the United States and the District of Columbia. They then concluded that the power developed would be so much greater than the Government and District need that it would be unwise to develop it, because there would be no market for the surplus energy, and hence it would be an expensive proposition, since the Government could only use a portion of the energy developed. This argument has been made before, but it is made by men that apparently do not know that Washington has street railways operated by electricity; that there are thousands of houses in the city occupied by civilized people who would be glad to utilize electric lights and electric power if it were supplied within reasonable limits.

I note, too, that this board argue that if the Government should dispose of all this surplus power to manufacturers or others that in later years when the Government required more light and more power it would not be able to get it because all the surplus power had already been sold, and therefore in 1950 and the years following the Government would have to buy power elsewhere. This argument answers the other one, that we would have more power than we could use. If it is good, then no water power anywhere should ever be developed, first, because when it is first developed it would not be known that all the power could be sold; and, second, that if all the power should be sold trouble would arise in the future because there would be more people demanding more power.

The entire report of the board is simply an argument against progress, nothing else, and the thing that surprises me more than anything else is that it should receive your approval. Your work in the past and the reputation you have made would lead any unbiased friend of yours, such as myself, to expect different conclusions. Here is a great water power almost within sight of the Capital City that can supply electric light and power for the citizens, for the Government, for the District of Columbia, and for the street railways, and it only needs development. If you will compare the rates that the citizens of Washington must pay with the rates in your own beautiful city of Cleveland you can reach no other conclusion than that the people here are paying an exorbitant price. There is power enough going to waste at Great Falls to turn every wheel in the District. I had supposed that you would be one of the first to do your utmost to bring about its utilization, and I regret more than I can say that you have taken the side of those who are opposed to this improvement. With your opposition there can be no hope of bringing about this development. With your assistance there would have been no doubt but what proper laws could have been enacted to bring about this development and its resulting good to all the people of this city.

Very truly, yours,

G. W. NORRIS.

MR. NORRIS. Mr. President, I do not think I have anything further to say on the subject. It seems to me that even the throwing out of this one amendment would be a sufficient reason why this conference report ought to be rejected.

As I said at the beginning, if Senators or Members of the House think that it is a particularly bad time right now, on account of the excessively high cost of material and labor, to do the work, it would not have made any material difference to me, nor, I believe, to others who favor this legislation, if the conferees had brought in an amendment to the original proposition that had made ever so slight an appropriation, or even none, if it had provided in substance that this power should be developed, and leave it, perhaps, to the discretion of the proper officials as to just when they should commence work on it.

Mr. JONES of Washington. Mr. President, probably I ought to say a word. The Senate conferees attempted to do just what the Senator suggests. We asked that a small appropriation might be made; in other words, we sought to get recognition in the bill of the adoption of the project, regardless of the amount. We were sure the Senator from Nebraska would be satisfied with that.

The main objection of the House conferees was, I think, that it is an entirely new proposition; that it is a specific one; and that it was not the purpose of the power bill to deal with specific projects. They stated that it had not been acted upon by any committee of the House, that it had had no consideration by the House, and that they did not feel justified in acceding to it. As the Senator from Minnesota [Mr. NELSON] said, they would not accept the amendment, and they would not accept any amount. We acted upon it once, and we attempted to get it reconsidered, and urged it strongly. I feel that we did the very best we possibly could have done.

I feel that we have made progress toward the accomplishment of what the Senator from Nebraska [Mr. NORRIS], the Senator from Minnesota [Mr. NELSON], and I want. It is not the progress I would like to see, but it is progress, and when we get the report of the commission in January I want to assure the Senator that, so far as I am concerned, anything I can do to get legislation through which will make use of that power there, I will do. But I feel that while we have not accomplished, as I said, what the Senator and I would have liked, we have made progress toward the end we both desire.

Mr. NORRIS. Mr. President, the argument that this is a new project is hardly available now. It is one of the oldest projects in the United States. As far as the development of power is concerned, it is a very simple project. If we utilized the Great Falls proper and did not use the rapids between Great Falls and the District line, we could develop considerable power with a comparatively small expenditure of money. But no one in the House or the Senate could maintain that this is a new project. Here was an investigation made by the express authority of Congress and the public money spent for it, and it is not the only one which has been made. Now, we have a proposition to make another investigation. I do not feel, let me say to my friend from Washington, that this is any progress. It is simply continuing investigations, and I think it is a useless expenditure of public money to make them.

Mr. JONES of Washington. Mr. President, of course my use of the word "new" was not in the sense that it had never been considered, or anything of that sort, but that it had not been adopted by Congress, especially that it had not been passed upon by the House. At any rate, that was the attitude of the House conferees, and we could not convince them to the contrary. The Senator does not need to argue with me. He and I are very much in accord, except that I disagree with him in the idea that this is not progress. While it is small compared with the Panama Canal proposition, it is very much like it in that that project went over year after year, investigation after investigation was made, and we would not have had it yet, I suppose, if we had not had those investigations. But there resulted from it the accomplishment finally of that great work. I believe that this will bring results, and I believe that it will not bring another survey, but that if the Senators who are in favor of the development of that plant, as soon as this report comes in, will all get to work and press it, we will accomplish something, and accomplish just what the Senator and I want.

Mr. NORRIS. Mr. President, I hope the Senator is right, and, of course, he may be. I know that he is acting entirely in good faith. But the Senate conferees could have insisted that the House conferees should take this matter to the House, as they said the House had never voted on it, and let them act on it. It is probably true that every Senate amendment which was put on this bill the House had not voted on. If there was any great contention, then it would have been the duty of the conferees to take it to the House and let them vote on it. I have no doubt that if the House of Representatives had an opportunity, after a fair and reasonable consideration, to vote on this proposition, it would carry there overwhelmingly.

I fear that sometime, if we keep on investigating, we will get a report which is unfavorable, and there are thousands of interests, unseen to a great extent, which have devious ways of working by which even innocent men may be deceived, and if we ever get an unfavorable report from any commission provided for by Congress, then to the end of time that will be cited as a conclusive and real reason why we should go no further.

I would not object to an investigation if there had not been so many made, or if it was not a proposition where an ordinary individual, by looking at it, can see that power is going to waste there, and that it is a national sin, almost, to permit it to go to waste. It seems to me we have reached a time when we ought to act definitely and provide definitely for the development of this power.

We are going to have, possibly in the coming winter, a coal shortage. We are possibly going to have in this coming summer a water shortage. Both these have been staring the city of Washington in the face, especially a water shortage, for many years. If this project is delayed, then the attempt will be made, as it has been in the recent past, to develop the water supply in some other way, and the officials here will say, "We can not wait for this investigation. We must have more water for the people of this great city, and therefore we must provide some means to get more water"; and they proceed to get it, and spend money for it. Then, when we come to the consideration of the question, after the report comes in, as to whether this power should be developed, that argument in favor of the project is taken away; it is conceded, then, by its friends that it will be more expensive than ever. An increased water supply for the District is one of the great objects involved in this proposition.

Mr. KING. Mr. President, when this bill was before the Senate for consideration a few weeks ago, I discussed its provisions at considerable length and submitted some observations concerning the legal questions involved. I expressed my unalterable opposition to the measure and pointed out the evils which would result and the oppressive bureaucracy it would develop if it became a law. It passed the Senate without a record vote, as I recall, there being but few Senators voting against it. The bill then went to conference, and the report of the conferees is now before us. The House, as I read the conference report, has accepted most of the Senate amendments, so that the bill as presented for our action to-day is substantially in the same form as it was when it was approved by the Senate.

It had been my purpose to do everything within my power in a parliamentary way to defeat the conference report. Indeed, I have felt at times as though any Senator would be justified in employing a filibuster to defeat it. The general theory of the bill is in contravention of the rights of the States, and many of its provisions are so hateful and oppressive and iniquitous that I regard its passage as a great calamity. Unfortunately the views which I entertain respecting this measure are not shared by many of the Members of the legislative branch of the Government. I have been importuned by Senators and others in public station and in private life to not oppose this bill. At one time there was formidable opposition to its provisions. Substantially the entire West felt that it was iniquitous and unjust, and that it would fasten upon the States a most deadly and arbitrary paternalism. But the unyielding and unreasonable attitude of various sections of the country with respect to the policy which the Government should pursue toward the public-lands States has compelled some of the public representatives of the West to reluctantly abandon the position which they have held for so many years and accept the measure under consideration. As is known, public lands are locked up under executive orders, and the tyrannous and autocratic position of the Federal Government has prevented the development of the water power in the public-lands States, as well as other resources essential to the prosperity of the West and the welfare of the Nation. It has been felt by many who are bitterly opposed to this legislation that, bad and oppressive as it is, it is better than existing conditions—conditions which no patriotic American ought to defend and no lover of the rights of the States can approve.

This bill is a direct assault upon the public-lands States, and aims at the establishment of a licensing system which in its operations will inevitably lead to friction between the States and the Federal Government, and to the subjection of the people within such States to a centralized bureaucracy at Washington. The paralyzing effects of its influence and power have been felt in all parts of the Western States.

Under the pretext of protecting navigation, for which authority is claimed under the commerce clause of the Constitution,

this bill seizes the streams of the United States, whether navigable or not, and submits them to the control of executive agencies which will pursue the course of all executive agencies of the Government and aggrandize the Federal Government and magnify its instrumentalities. Notwithstanding there is no plenary or other power in the Federal Government to exercise any control over the streams of the United States, except to prevent interference with their navigation, this bill seeks the control of all sources of hydraulic power in the United States as well as the control of all streams therein.

I believe a fair reading of the bill will furnish convincing proof that it seeks to control not only the water-power sites in the United States but also the corpus of the streams and the hydroelectric plants which produce electric energy, together with the power thereby developed. Injurious and oppressive as its terms are as applied to those States in which the Federal Government owns no lands, its provisions are infinitely more oppressive and injurious as applied to what are known as the public-lands States. The people of the West have suffered from the inefficiency of the Federal administration and from the arbitrary policies and contemptuous behavior of executive agencies and officials.

This bill places additional authority and power in the hands of the bureaus and branches and officials from whom the West has so greatly suffered. The iron heel of a Government 3,000 miles away is more firmly planted upon the prostrate forms of the Commonwealths of the West and the millions of American citizens residing therein. I regret that I am powerless to defeat this measure. I regret that Senators from the Western States have thrown off their armor and have laid their lances at rest, and are ready, though with rebellious and sullen hearts, to place their necks under the yoke of bondage and oppression. I protest against this bill and denounce it as unjust, un-American, and a wanton and vital attack upon the sovereignty and integrity and liberty of the States.

It was my intention this morning to further analyze the bill and discuss many of its provisions and show the evil consequences which will flow from its enforcement. But the attitude of Senators, and the apparent determination of practically all of the Senators to support the conference report, has led me to the abandonment of my purpose. I warn Senators of the pernicious effects of the bill, and assert with all sincerity that those who are supporting and those who are submitting to it will live to regret its passage and sooner or later will be found demanding its repeal or material modifications of its provisions.

The VICE PRESIDENT. The question is on concurring in the report.

Mr. JONES of Washington. There are some Senators who have asked that we might have a record vote on the adoption of the report. So I ask for the yeas and nays.

The yeas and nays were ordered, and the Assistant Secretary proceeded to call the roll.

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence I withhold my vote.

Mr. WILLIAMS (when his name was called). Transferring my pair with the Senator from Pennsylvania [Mr. PENROSE] to the Senator from Tennessee [Mr. SHIELDS], I vote "yea." The senior Senator from Pennsylvania is unfortunately absent owing to illness.

Mr. WOLCOTT (when his name was called). I have a general pair with the senior Senator from Indiana [Mr. WATSON]. I note that he is not present, and I am therefore not at liberty to vote.

The roll call was concluded.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. In his absence I withhold my vote.

Mr. FERNALD. I have a general pair with the junior Senator from South Dakota [Mr. JOHNSON]. I transfer that pair to the junior Senator from Ohio [Mr. HARDING] and vote "nay."

Mr. CURTIS. I have a pair for the day with the Senator from Oklahoma [Mr. GORE] and in his absence withhold my vote.

I desire to announce that the junior Senator from Ohio [Mr. HARDING] is absent on official business of the Senate.

Mr. CALDER (after having voted in the affirmative). I am paired with the junior Senator from Georgia [Mr. HARRIS]. I note that he is absent and therefore withdraw my vote.

Mr. UNDERWOOD (after having voted in the affirmative). I have a general pair with the junior Senator from Ohio [Mr. HARDING]. He is absent on official business, but I am author-

ized by him to vote on this question, and therefore allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Vermont [Mr. DILLINCHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN]; and

The Senator from Wisconsin [Mr. LA FOLLETTE] with the Senator from Arkansas [Mr. KIRBY].

The result was announced—yeas 45, nays 21, as follows:

YEAS—45.

Beckham	Jones, Wash.	Page	Sterling
Brandegge	Kellogg	Poinexter	Sutherland
Chamberlain	Kendrick	Pomerene	Swanson
Colt	Knox	Ransdell	Townsend
Dial	Lodge	Robinson	Underwood
Elkins	McCumber	Sherman	Wadsworth
Fall	McLean	Simmons	Walsh, Mont.
Frelinghuysen	McNary	Smith, Ariz.	Warren
Gay	Myers	Smith, Ga.	Williams
Gerry	Nelson	Smith, S. C.	
Glass	New	Smoot	
Jones, N. Mex.	Overman	Spencer	

NAYS—21.

Borah	Henderson	McKellar	Sheppard
Capper	Kenyon	Moses	Trammell
Fernald	Keyes	Norris	Walsh, Mass.
France	King	Nugent	
Hale	Lenroot	Phelan	
Harrison	McCormick	Reed	

NOT VOTING—30.

Ashurst	Edge	Johnson, S. Dak.	Shields
Ball	Fletcher	Kirby	Smith, Md.
Calder	Gore	La Follette	Stanley
Comer	Gronna	Newberry	Thomas
Culberson	Harding	Owen	Watson
Cummins	Harris	Penrose	Wolcott
Curtis	Hitchcock	Phipps	
Dillingham	Johnson, Calif.	Pittman	

So the conference report was agreed to.

Mr. JONES of Washington subsequently said:

Mr. President, the conference report on the water-power bill has passed, so that anything I may say now will do it no injury. I refrained from discussing it in order to get it through. I wish to take a moment or two with reference to one suggestion that was made in opposition to the report.

It was suggested by two or three Senators that the provision in the bill with reference to a new license gives a perpetual license to the licensee. The provision as it passed the Senate reads as follows:

Provided, That in the event the United States does not exercise the right to take over, or does not issue a license to a new licensee, or issue a new license to the original licensee, upon the terms and conditions aforesaid, which is accepted.

There was much controversy over the words "which is accepted." It was urged very earnestly and vigorously that those words placed the discretion entirely in the licensee to say whether or not he would accept the license and thereby did in fact give him a perpetual license.

The House conferees urged that against the provision and the Senate conferees finally receded and we accepted the provision reading as follows:

Provided, That in the event the United States does not exercise the right to take over, or does not issue a license to a new licensee, or issue a new license to the original licensee upon reasonable terms.

It is the same argument that was urged against the words "which is accepted" that is now urged against the words "upon reasonable terms." I think without reason and without merit. I think that it clearly means that at the end of 50 years, if the commission issues a new license upon reasonable terms and the licensee refuses to take it, then of course his right terminates. If he contends that it is not on reasonable terms, the matter will be decided by the court, and if the court says that it is based upon reasonable terms, he having rejected it he is out. If the court holds that the terms are reasonable and the licensee has accepted it, of course he goes on then under the provisions of the bill.

Mr. President, these words were recommended and approved by the Secretary of Agriculture, Mr. Houston, who has been very strongly in favor of water-power legislation. In a letter to the committee under date of October 3, the committee having asked him for his views with reference to the amendment suggested by the Commerce Committee, the Secretary of Agriculture said:

As is also stated in the letter of June 11, the department approves the insertion of the words "on reasonable terms" or some similar expression, in the proviso of section 15.

Then he goes on to state that the words "which is accepted" do give a perpetual right to the licensee, but he urges the words "on reasonable terms."

These amendments were submitted to the Secretary of War, who will be a member of this commission, and who has also taken a very active part with reference to water-power legislation.

These amendments were submitted to the Secretary of War, who will be a member of the commission, and who has also taken a very active part with reference to water-power legislation. Under date of October 6, 1919, he states:

I have conferred with the Secretary of Agriculture and desire to concur in the letter sent by him to you covering the amendments suggested in the bill as it passed the House.

Mr. President, I think that the opposition to this provision on the ground that it gives a perpetual license to the licensee at his option is entirely without merit or basis.

ENROLLED BILLS SIGNED.

The VICE PRESIDENT announced his signature to the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

S. 4163. An act to incorporate the Roosevelt Memorial Association; and

H. R. 4438. An act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

THE COAL SITUATION.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to offer a resolution asking for information from the Interstate Commerce Commission, and to discuss the reasons for the same for a very brief time.

The VICE PRESIDENT. Is there objection? The Chair hears none. The Secretary will report the resolution.

The Assistant Secretary read the resolution (S. Res. 374), as follows:

Resolved, That the Interstate Commerce Commission is authorized and directed to investigate and report to the Senate as soon as practicable:

(a) What amount of bituminous coal mined in the Pennsylvania and West Virginia fields during the months of March and April, 1920, was dumped over tidewater piers;

(b) What is the probable amount of the coal mined in these fields that will be shipped to tidewater in the next six months;

(c) What percentage of the coal dumped at tidewater during March and April was used for foreign bunkers and export cargo;

(d) From what ports were these exports made and how much from each;

(e) What percentage of the coal dumped at tidewater in March and April moved coastwise;

(f) How many railway cars were used in these months to carry the coal which went offshore for foreign bunkers and cargoes;

(g) To what extent has the price of coal for locomotive use on American railroads been raised due to the upbidding of coal prices by foreign buyers;

(h) To what extent does the eastern coast section of the United States depend on shipments of bituminous coal by water; and

(i) What is the total tonnage of bituminous coal shipped by water in normal times to supply the necessary requirements of the eastern coast section.

Mr. WALSH of Massachusetts. Mr. President, only the serious situation that confronts the country would lead me to take the time of the Senate to put before it some information as a basis for this resolution. The facts upon which I base the questions contained in the resolution offered are of such importance that I deem it wise to state them at this time.

Mr. President, I feel impelled to call the attention of the Senate to the alarming condition which I have learned exists in New England, a condition which, if permitted to continue and develop, threatens to spread all over the country. I refer to the shortage of bituminous coal, which has already closed many industries in that section and, unless soon relieved, must close many more, and eventually, as I am assured by reliable authority, can but lead to a nation-wide paralysis of industry.

This incipient coal famine is undoubtedly due to three contributing causes, the present car shortage, underproduction at the mines, and an extraordinary increase in the exportation of coal. These three factors are so closely interrelated, as I shall attempt to show, that all must be treated at once, and that no attempted remedy will assure our home markets of a sufficient supply unless all of these contributory causes are, as far as possible, removed without avoidable delay.

I feel, however, that the most marked and the most immediate relief, as I shall try to show, is to be had through remedying the third factor.

No one familiar with the events of the past few weeks will dispute the fact that a serious car shortage has made itself manifest, nor that this shortage is daily growing more acute. Without considering the causes which underlie this bad state of affairs, I think most of us will admit that, apparently, earnest efforts are being given toward effecting a more adequate supply of cars. And a close analysis, I believe, will show that because of the inability of the railroads to furnish cars pro-

duction of bituminous coal has been more than considerably curtailed, and statistics go to show that at present the mines are only producing from 30 per cent to 50 per cent of the normal coal supply.

The influence of increased carrying facilities will unquestionably increase production at the mines, for just as soon as the cars become available the operators can put their mines on a full-speed basis. Apparently, every possible effort is being made to better the coal-transportation facilities, and in this direction it does not appear as though Congress needs to direct or enforce any stronger policy.

But the third factor, which I mentioned as most largely contributory to our dearth of coal, namely, unparalleled exportation, a condition which does not grow out of the other two but is the result of the stringent conditions in foreign markets, is one which our Government can, and in the interests of American industrial and social security should, control. In the face of the car shortage and the incapacity of the railroads to move a reasonable percentage of the Nation's requirements, and in spite of the tremendous underproduction which this shortage has necessarily served to bring about, coal is pouring out of the United States for foreign ports at the estimated rate of 2,000,000 tons a month, and is expected by foreign-trade experts to reach the astounding total exportation of 4,000,000 tons by midsummer.

While our people must be satisfied with 33½ per cent production of the normal supply, our export buyers are taking more than 100 per cent of what went out of the country in the days of full capacity production. In a word, there is to-day more coal going out of the country than when we were at our maximum production.

Foreign agents in America, acting for their home representatives, have consistently overbid our home buyers. They have made offers for our coal which have been prohibitive to the domestic buyers, who, even when willing to pay the price, have often been unable to get a fair allotment of coal.

Some of this coal purchased for export is carried in British bottoms to Cuba, where it is exchanged for sugar, which in turn is carried back to Europe, while America continues to pay outrageous prices for this necessary commodity. English agents are buying up American coal and distributing it through their Mediterranean depots, and in return other raw materials are transported to England so as to keep British industries going at full speed. And what is more astounding this process goes on in spite of the fact that Great Britain has put a restriction on the export of her own coal, and reduced her exportation figures from 34 per cent of her total production in 1913 to 19 per cent in 1918, and as it now appears it is to be shortly reduced to 10 per cent in 1920. It is to the credit of British business capacity that the industries of England can operate on the domestic coal supply, while British tradesmen exchange American coal for materials for their own home markets. No one reasonably can attribute bad motives, double dealing, or commercial trickery to English merchants; they are simply acting in the interest of their own country, protecting it against economic collapse, strengthening its forces of production, and rehabilitating a whole industrial system deteriorated by war. It is not my purpose to attack Great Britain for her thoughtful, and surely lawful, manipulations in favor of her own people; but I want to ask why America has stood by and watched her coal supply, in itself not sufficient for our own people, carried off to all parts of the earth so that foreign industries may thrive? Must not our own industries continue to produce for America? Are we not bound to consider the needs of our own country first?

We can not defend this wholesale exportation of our own coal on the ground that it is necessary to prevent starvation and misery in debilitated European countries, for we must bear in mind that bituminous coal is chiefly used for manufacturing purposes.

During March of this year 1,050,000 tons of cargo and bunker coal were exported from Hampton Roads out of a total dumping of 1,700,000 tons; in April approximately 1,200,000 tons out of a total dumping of 1,900,000 tons were carried away to foreign ports. And during the month of April, while New England industries were left to face suspension and paralysis on account of lack of fuel, due, it is alleged, to car shortage, there was a 25,000 car movement carrying export coal from the mines to the seaboard. How short-sighted! How deplorable! How totally indifferent to the threatened collapse of our industries we have been! The New England all-rail gateway blocked with loaded cars, New England industries closed, the whole country facing not only a car shortage but a coal shortage, and we complacently permit foreign agents to buy our coal at fabulous prices and transport it to vessels waiting in American

ports with facilities that we need for the transportation of our own merchandise and our own coal.

As an illustration of the effect this apparently insatiable export demand has had on coal prices, a steamer in New York lacking bunker coal recently paid \$22 per ton alongside for enough coal to take her to Halifax. This price would mean a charge of \$18 per ton at the mines. Vessels arriving at New York finding it necessary to buy spot coal have to pay from \$15 to \$20 per ton alongside, as compared with a price of about \$5 per ton for the very same coal, or \$3.50 60 days ago, at the mines.

Many coal companies are selling at contract prices of \$4 and \$5 at the mines, but can not possibly get cars to transport their coal to regular customers. But spot prices in Pennsylvania and West Virginia range from \$8 to \$9 per net ton f. o. b. mines. The Boston & Maine Railroad—and the reason why I am particularly interested is because the situation so vitally affects the transportation system of New England—is now paying \$13.50 per ton f. o. b. wharf, Boston; \$8 of this is paid the producer at the mine, an increase of 100 per cent in the last 60 days.

Owing to the priority granted by the Interstate Commerce Commission to railroads within reach to load up at the mines, certain railroads are well supplied with fuel, but the geographically remote New England roads are facing a dangerous shortage. Railroads hold little encouragement that the car shortage can be relieved in the near future so as to begin normal shipments of coal to different sections of the country.

Retail dealers everywhere find it difficult to purchase coal at any price. In New England conditions seem to be worse in this respect than elsewhere. An extract received from Worcester retail dealers says: "The large operators selling coal on what are called circular prices are not giving us any coal at all. Independent companies will give small amounts at prohibitive prices." Reports from Massachusetts lead me to believe that whereas at this time of year normally the retail dealers have had substantial stocks of coal on hand, this year they have practically none and very few prospects of getting supplied.

What a terrible coal famine is imminent in New England can better be understood by the following figures. Her consumption of bituminous coal is approximately 25,000,000 tons per annum. It is impossible, because of the limited railroad gateways, to transport under ordinarily favorable conditions by rail more than one-half of the demand, or 12,000,000 tons. The balance must be bought at tidewater, mostly at Hampton Roads. This port is infested with foreign buyers with foreign ships, offering any price, and the result has been a tremendous increase in price by reason of this competition.

Last month nearly 66½ per cent of the coal dumped at Hampton Roads went to foreign or export trade, leaving only a few hundred thousand tons at best for the New England market. Any shipment by water less than 1,000,000 tons per month means a most serious shortage.

Mr. President, as I pointed out in my recent speech before this body, we are the only country in the world attempting to plunge through this upset, chaotic period without a policy of reconstruction. We are paying dearly for this neglect—and this reactionism—and the condition like the present coal emergency gives emphatic proof of it. The lack of an efficient Government control of exports and home distribution is responsible for an alarmingly dangerous situation, the outcome of which no human agency can conjecture.

But New England is not the only sufferer. The price of coal has risen in every part of the country by reason of the excessive prices offered by foreign buyers. In addition, the attractive prices paid for export coal has diverted coal from the Northwest and, if not already, very shortly, the Northwestern States will find their supply greatly reduced and the price doubled by reason of the exportation of American coal to Europe. The practical question for us to face and answer is this: Why should the American people suffer so that our producers can furnish foreign countries with coal for their commercial exchanges in every part of the world?

The data upon which my remarks have been based are not simply rumor or hearsay. I have had my facts verified and totally authenticated by several reliable men very close to the departments of our Government which have to do with mining, exporting, commerce, and transportation, and I am convinced that these men have in nowise exaggerated conditions as they exist. Mr. President, can our Government remain sluggish while our industries and railroads face such disastrous shortage of what is essential and necessary for their continuance, and will we refuse to help our people when they are threatened with conditions worse than those which rural Italy suffered dur-

ing the height of the war? It is not time to criticize or malign the British because they have outwitted us and cajoled our coal producers who care more for the jingle of swollen profits than the well-being and security of their fellow citizens. It is time to step in and take the reins from the hands of certain of our coal producers, who are leading us into the ditches of industrial stagnation and human suffering; it is time to keep enough of our coal at home to supply the full requirements of this country. And we can do it; an embargo declared on all coal destined for a foreign port, with power in a fuel administrator to distribute coal shipments according to the needs of the various sections of the United States, will help to settle the problem. Mr. President, I offer this resolution for the purpose of securing official information leading to that end.

The VICE PRESIDENT. Does the Senator from Massachusetts desire to have the resolution considered now?

Mr. WALSH of Massachusetts. Yes; if the Senate please.

The VICE PRESIDENT. Is there unanimous consent for its present consideration?

Mr. SMOOT. Mr. President—

Mr. POMERENE. Mr. President, I did not hear the reading of the resolution. I have been very much interested in the remarks of the Senator from Massachusetts.

The VICE PRESIDENT. The Chair desires to know whether there is objection to the present consideration of the resolution.

Mr. SUTHERLAND. I object to its present consideration. I have not had an opportunity to study it.

The VICE PRESIDENT. Then the resolution goes over.

Mr. SMOOT. I think the resolution will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE PRESIDENT. The Chair has not seen the resolution. It goes over one day under the rule, anyway.

Mr. FRELINGHUYSEN. Mr. President, I should like to ask the Senator from Massachusetts a question. In recommending an embargo against the export of coal—which can not amount to more than 25,000,000 tons a year, because that is the fullest extent of the capacity of the wharves and piers and loading facilities—out of 500,000,000 tons produced annually in this country, is he also in favor of an embargo against Canada, to which we export 16,000,000 tons annually?

Mr. WALSH of Massachusetts. Mr. President, I favor an embargo on coal which will reduce the exporting of coal in the same proportion that the production has been reduced in the United States. In other words, the production has been reduced from 100 per cent in normal times to 33½ per cent. All I ask for is that the exportation of coal be reduced to the same proportion, 33½ per cent.

Mr. POMERENE. Mr. President—

The VICE PRESIDENT. The Chair must hold that this debate is out of order. There is nothing before the Senate.

MEAT-PACKING INDUSTRY.

Mr. KENYON. I move that the Senate proceed to the consideration of the bill (S. 3944) to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes. I desire to call the attention of the Senator from Illinois [Mr. SHERMAN] to the motion. I am moving to take up what is known as the packer bill. There is a general understanding that this bill shall be the unfinished business at the time the Senate adjourns or recesses. We do not ask to have it take the place of any legislation that may be brought up between now and the time of the recess, and I have assured the Senator from Illinois that we will not push it now; but we want to have it made the unfinished business, and after it has been made the unfinished business we shall be willing to lay it aside for any important matter.

Mr. UNDERWOOD. Mr. President, I should like to ask the Senator a question. If we take up the packing bill, as I believe it is called, there is undoubtedly going to be a good deal of debate on it.

Mr. KENYON. Yes.

Mr. UNDERWOOD. It will probably occupy all the spare time between now and adjournment, if we succeed in adjourning on the 5th of June.

Mr. KENYON. I think it is fair to say that it will.

Mr. UNDERWOOD. There is a good deal of legislation that is not seriously combatted—legislation outside of the supply bills and conference reports—that Members are interested in. If this particular legislation could be passed before the 5th of June, I could see that the Senator would have a right to push it; but I do not think it is probable that it can. It simply means debate until that time. I should very much prefer, if the Senator will agree to a proposition of that kind, to see it

go over until December, and fix a day certain for it to be taken up as the unfinished business, than to have it stand in the way of everything else here until the end of the session.

Mr. LODGE. Mr. President—

Mr. KENYON. I yield.

Mr. LODGE. I understood from what the Senator from Iowa said that in taking up this bill and making it the unfinished business now, he did not propose to allow it to interfere with any of the necessary business which we must transact in the course of the next 10 days.

Mr. UNDERWOOD. I understood that; but it will stand in the way of various small bills and matters of legislation that are not of grave public importance, but are of a good deal of interest to many people.

Mr. KENYON. Mr. President, I will say that there probably will be no discussion on the bill between now and then. It is simply a question of making it the unfinished business when we recess or adjourn. I hope we are not going to adjourn; but if we recess for some stated period, then this will be the unfinished business when we recess; that is all. I should like to ask the Senator whether we could not have unanimous consent to that effect. Would there be any objection to that?

Mr. UNDERWOOD. I have no objection to that, if the Senator's purpose is that certain classes of bills that Members may want to get up will be given a chance.

Mr. KENYON. It is not to be discussed. This is just an effort to make it the unfinished business; and if we can have a unanimous-consent agreement that it shall be the unfinished business at the time of the recess or adjournment, we are satisfied.

Mr. LENROOT. Mr. President, will the Senator yield?

Mr. KENYON. Certainly.

Mr. LENROOT. If the Senator would make his request in this way, that at the time of the recess or adjournment this bill shall be the unfinished business but not made the unfinished business now, that will answer every purpose.

Mr. UNDERWOOD. Mr. President, I do not like to make an agreement with the Senator from Iowa that I think would mislead him. I suppose he wants to make this bill the unfinished business when we adjourn, so that it will be the unfinished business when we meet.

Mr. KENYON. Yes.

Mr. UNDERWOOD. But, as I understand, when we adjourn the unfinished business goes to the calendar.

Mr. KENYON. I do not think so.

Mr. UNDERWOOD. If it does not, then it is all right; but that is my understanding of the rules of the Senate.

Mr. LODGE. Mr. President—

The VICE PRESIDENT. The Senator from Iowa is running this.

Mr. KENYON. I yield to the Senator from Massachusetts.

Mr. LODGE. I was only going to say that taking up the bill at this moment does not make it the unfinished business, the hour of 2 o'clock not having arrived. I think the purpose we all have is similar, and that is to make this bill the unfinished business to be taken up after the recess or adjournment, as the case may be; and I suppose that can be reached by unanimous consent.

Mr. KENYON. That covers the situation very clearly.

Mr. SHERMAN. Mr. President, in the event a recess is voted by the Senate, if this bill is carried over then and made the unfinished business at the recessed session, I should like to inquire when it will be taken up. That will be along some time in July. The last convention is not held until the 28th of June, and even if we do not adjourn it will be July, probably, before the recessed session will convene. What arrangement will be made in July and August or between the time we convene in recess and the first Monday in December, when the regular session begins?

I should dislike very greatly to be in a condition where I am compelled to return to this Chamber, say, on the 5th or 6th of July and remain until the following December. I want to vote. I have voted an absent voter's ballot now for four years. I have not been home, and I do not want to be in a condition where I must stay here all summer. For the last eight years, with the exception of one, I have been here practically all summer. Could we not put something in the agreement that would cover at least a convenient arrangement?

Mr. KENYON. I shall be perfectly willing to put in it a stipulation that the Senator from Illinois need not be here.

Mr. SHERMAN. I shall not be here voluntarily, I assure the Senator.

Mr. KENYON. How would this do? We can not determine that until we see when the recess is taken to. I assume that it

will not be taken to a time later than July. Perhaps the Senator from Massachusetts can tell us about that.

Mr. SHERMAN. Would it not be safer to adopt the suggestion made by the Senator from Alabama and make the bill the unfinished business for December? It then has priority. I do not want to talk all summer, and still I may be compelled to do so.

The VICE PRESIDENT. Why are we discussing the question of making something in the future the unfinished business? You can not by an act of this Congress make anything the unfinished business. It is made by the condition that exists at the time of adjournment.

Mr. KENYON. Can we not make it the unfinished business prior to adjournment by unanimous consent?

The VICE PRESIDENT. Certainly not; no. The unfinished business is the last business when the adjournment is taken.

Mr. KENYON. It is the same Congress.

Mr. UNDERWOOD. Mr. President, I do not agree with the Chair at all about that.

Mr. LODGE. Neither do I.

Mr. UNDERWOOD. I think it is entirely in order for the Senate to adopt an order prescribing what the business shall be on a certain day.

The VICE PRESIDENT. That is a special order. That is a horse of another color.

Mr. UNDERWOOD. That is what we are trying to agree on.

The VICE PRESIDENT. That is provided for—that you can set a thing down at a certain time for consideration.

Mr. UNDERWOOD. That is what I understood the Senator from Iowa desired to do.

The VICE PRESIDENT. That is not unfinished business.

Mr. UNDERWOOD. I understood that it is the purpose of the request of the Senator from Iowa to have a special order made by unanimous consent, and make this bill the unfinished business under that special order at a certain date—I mean, a special order for its consideration, not for a vote.

Mr. SHERMAN. Mr. President, would not the Senator be satisfied with that? That is a practical arrangement.

Mr. KENYON. If we are going to adjourn, I shall be perfectly satisfied with that. If we are coming back here in September, I should not be satisfied with it. So far as I am concerned, I will vote for a recess to September; but I am not going to vote for an adjournment, and I hope we will not adjourn. If we come back in September, would the Senator have any objection to having the bill taken up then?

Mr. SHERMAN. I do not want to make any agreement. I shall not object. I will sit mute in my seat and say nothing.

Mr. KENYON. That will be satisfactory.

Mr. SHERMAN. But I prefer that it be not done, of course.

Mr. SIMMONS. Mr. President, I should like to ask the Senator from Iowa a question. I understood the Senator to say that even if this bill is made the unfinished business he does not expect to discuss it during this session.

Mr. KENYON. No; not to discuss it.

Mr. SIMMONS. Does the Senator think he would have any difficulty in getting this bill up at any time that he wishes to take it up, either this session or next session?

Mr. KENYON. I judge only of the future by the past, and I am very sure there will be difficulty.

Mr. SIMMONS. Has the Senator any doubt that there are enough votes in this Chamber at this time to take up this bill, now or later, against any opposition?

Mr. KENYON. I think there are enough votes now, and that is why I should like to take it up. I do not know whether there will be as many after election.

Mr. SIMMONS. I do not feel that there would be any votes on this side against taking it up now or at any time during the next session; and if the condition of sentiment in this Chamber is such that the Senator can take it up now if he wants to, and can take it up at any time during the next session that he wants to, why does the Senator want to take it up when he does not intend to discuss it?

Mr. KENYON. Mr. President, I am anxious, and I am sure the Senator from Wyoming [Mr. KENDRICK] is, to take it up and act on it during this session. That is our desire; but we found that to do so would come in conflict with the appropriation bills, and we do not want to delay them. The Senator from Illinois, who is very much opposed to the bill, wanted to get away, and a good many other Senators want to get away. We do not want to be in the position of forcing the Senator from Illinois to stay here during the coming week; otherwise, we should be glad to take it up.

Mr. SIMMONS. Exactly; but the point I am making is, as the Senator does not intend to discuss it at this session, what

is the use of his having it made the unfinished business when it is certain, in my judgment, that at any time the Senator wants to take it up in extra session or special session or after the recess he can take it up?

Mr. KENYON. The Senator will concede, will he not, that it is a great deal more certain that it will be taken up if it is made the unfinished business when this session closes?

Mr. SIMMONS. It is a case of certainty in both instances; and therefore I do not see why the Senator is so anxious to have it declared the unfinished business now.

Mr. KENYON. I am anxious simply to have the bill acted on. I have been anxious for months to have it acted on.

Mr. SIMMONS. I would believe the Senator was right about that provided there was any doubt about the attitude of the Senate with reference to taking up this bill.

Mr. KENYON. Well, that is an unknown factor.

Mr. SIMMONS. I do not think it is an unknown factor.

Mr. LODGE. Mr. President, it is impossible at this moment to tell exactly what we shall do on the 5th day of June; but I assume that a recess, either long or short, will be taken on that day. In fact, I think that will have to be done, because I doubt if there will be a quorum. Therefore it seems to me that we could meet the wishes of the Senator from Iowa, which I am very anxious to do, by providing that at 2 o'clock on the 5th day of June we shall take up the packers' bill.

Mr. KENYON. That will be satisfactory.

The VICE PRESIDENT. That requires a two-thirds vote. Is there any objection to it?

Mr. LODGE. Why a two-thirds vote? Can it not be done by unanimous consent?

The VICE PRESIDENT. You are attempting to make a special order for 2 o'clock on the 5th day of June.

Mr. LODGE. Can we not do that by unanimous consent?

The VICE PRESIDENT. You can. That overrides everything.

Mr. KENYON. Will the Senator from Massachusetts make that request?

Mr. LODGE. I make a request for unanimous consent that we take up the packers' bill at 2 o'clock on the 5th day of June.

The VICE PRESIDENT. Is there any objection?

Mr. SIMMONS. Mr. President, I do not exactly understand the request of the Senator from Massachusetts. Does he mean that on that day we shall vote on the question whether we will proceed to the consideration of the bill?

Mr. LODGE. No; I mean that it shall be taken up at 2 o'clock on the 5th day of June, and that makes it the unfinished business.

Mr. SIMMONS. Can we now vote upon what we will do on the 5th day of June?

Mr. LODGE. We can make a unanimous-consent agreement.

The VICE PRESIDENT. The Chair has ruled that either by unanimous consent or by a two-thirds vote the Senate can set the bill for a hearing on the 5th day of June at 2 o'clock, under Rule X. Is there any objection?

Mr. SIMMONS. I have no objection to taking it up on June 5, and I have no objection to taking it up right now. I believe we are ready to take the bill up any time the Senator from Iowa wants to have it taken up.

Mr. KENYON. Does not the Senator think we ought to accommodate other Senators? I would be glad to take it up right now and keep it before the Senate until it has been passed, if it took all summer.

Mr. SIMMONS. I understand the position of the Senator, but he does not seem to be able to understand my position. I can not see, for the life of me, why it is necessary for us now to make a record here making this the unfinished business when we do not intend, and it is declared that we do not intend, to consider it at all during this session. It is simply for the purpose of making it the unfinished business on the record. That is all I can see in it. If there were any doubt about the ability of the Senator, as soon as Congress meets after a recess, or at the regular session, if we adjourn, to get up the bill, I would see no objection to the course which he now seeks to pursue; but I do not see any reason why it should simply be made the unfinished business for the purpose of making a record.

Mr. LODGE. It is not for the purpose of making a record, Mr. President. It is an endeavor to secure the position for this bill which I think practically all Senators desire to secure for it—to make it certain now that at 2 o'clock on the 5th of June we shall take it up. For the reasons stated by the Senator from Iowa it is not possible to deal with the bill between now and the 5th day of June.

We shall, in all human probability, take a recess on the 5th of June. We may not end the session, we may not get an adjournment, but we certainly shall take a recess on that day. By

taking the bill up under a special order at 2 o'clock on that day we make it the unfinished business, and it will come up whenever Congress meets again.

Mr. KENDRICK. Mr. President, I hope that the Senator from North Carolina [Mr. SIMMONS] will not object to the proposed unanimous-consent agreement. The conclusion to consider the bill in this way is something of a compromise growing out of the impossibility of considering it at this session of Congress, without impeding the progress of other legislation. The question of going on record in this way involves another situation, and that is the appeals from different sections of the country to pass this legislation.

Mr. SIMMONS. As the Senator knows, I am as much in favor of this legislation as he is.

Mr. KENDRICK. I do.

Mr. SIMMONS. And he knows that I want to see it given consideration. If the Senator, who is jointly with the Senator from Iowa the author of the bill, wants this action taken, I shall not interpose any objections, but I do want to repeat what I have already said, that I do not see that the matter will be advanced at all by this process.

Mr. KENDRICK. I merely wish to say that this result would be accomplished: There would be a definite notice given to the country that the first thing when we reconvened will be to take this legislation up and consider it, and either act favorably upon it or reject it. That is the object I am anxious to accomplish in reaching this conclusion.

Mr. LENROOT. Mr. President, I would like to suggest to the Senator from North Carolina [Mr. SIMMONS] that another advantage is gained, in that it cuts off debate. If the motion were made when we come back after the recess, it would be debatable, and it might require a great deal of time.

Mr. SIMMONS. There seems to be no debate about the matter now, and no opposition to taking it up. I do not see why the Senator should anticipate any protracted debate after the recess.

Mr. LENROOT. I had in mind the statement made by the Senator from Illinois [Mr. SHERMAN] that if he had to come back, he might talk all summer upon the bill.

Mr. SIMMONS. I suppose he can talk on the bill after the recess, if it is taken up, but not on the motion to take it up. I have not heard him say that he is going to oppose the motion to take it up.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and what is known as the packers bill is made the special order for 2 o'clock on Saturday, the 5th day of June.

The unanimous consent agreement entered into was reduced to writing, as follows:

It is agreed by unanimous consent that at 2 o'clock p. m., on the calendar day of June 5, 1920, the Senate will proceed to the consideration of the bill S. 3944, a bill to create a Federal live-stock commission, to define its powers and duties, and to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes.

RUSSIAN RAILWAY SERVICE CORPS.

Mr. WADSWORTH. Mr. President, out of order I ask unanimous consent to present a report from the Committee on Military Affairs. I report from that committee favorably with an amendment the bill (S. 3865) providing for the men and officers in the Russian Railway Service Corps the status of enlisted men and officers of the United States Army when discharged, and I submit a report (No. 637) thereon. I desire to call the bill to the special attention of the Senator from Washington [Mr. POINDEXTER].

Mr. POINDEXTER. Mr. President, I ask unanimous consent for the present consideration of the report just made by the chairman of the Committee on Military Affairs.

The VICE PRESIDENT. Is there objection?

Mr. KING. Mr. President, from its title it seems to be an important measure, and I would like to know what it is about before I consent to its consideration.

Mr. POINDEXTER. I will say to the Senator from Utah that it is a measure which was considered this morning by the Committee on Military Affairs, and has the effect of giving to 215 men who comprise the Russian Railway Service Corps, railroad men who were recruited in this country to serve in Siberia on the railroads there, recruited by the War Department, equipped with United States uniforms, the same status as enlisted men and officers of the United States Army as to the benefits of the war-risk insurance and other privileges.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The VICE PRESIDENT. The bill will be placed on the calendar.

TRANSFER OF WAR MATERIAL.

Mr. WADSWORTH. I ask unanimous consent to report from the Committee on Military Affairs the bill (H. R. 13329) to authorize the Secretary of War to transfer certain surplus material, machinery, and equipment to the Department of Agriculture, and for other purposes, and I submit a report (No. 638) thereon. I desire to call the attention of the Senator from North Carolina [Mr. SIMMONS] to the bill.

Mr. KING. I object to its present consideration.

The VICE PRESIDENT. Objection is made, and the bill will be placed on the calendar.

EXECUTIVE SESSION.

Mr. SHERMAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened.

SPANISH WAR AND OTHER PENSIONS.

Mr. NEW. Mr. President, I move that the Senate proceed to the consideration of the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

Mr. JONES of Washington. I ask the Senator to permit me to present a conference report on the river and harbor bill and have it acted upon.

Mr. NEW. As soon as we get action on my motion I will be very glad to yield for that purpose.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana to proceed to the consideration of House bill 2.

Mr. KING. Mr. President, it seems to me we have more important legislation than that at the present moment, and I hope the bill will not be taken up.

The VICE PRESIDENT. The question is on the motion of the Senator from Indiana.

Mr. KING. I ask for the yeas and nays.

The yeas and nays were ordered, and the Reading Clerk called the roll.

Mr. MYERS. I notice that the Senator from Connecticut [Mr. McLEAN], with whom I have a pair, is absent. I transfer my pair to the Senator from Oklahoma [Mr. GORE] and vote "nay."

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN], who does not appear to be in the Chamber, and I withhold my vote.

Mr. CALDER. I have a general pair with the junior Senator from Georgia [Mr. HARRIS]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. MOSES (after having voted in the affirmative). I have a pair with the Senator from Louisiana [Mr. GAY]. I transfer my pair to the Senator from New York [Mr. WADSWORTH] and let my vote stand.

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER], but I understand that he would vote "yea" if present. So I will vote. I vote "yea."

Mr. GERRY. I wish to announce that the Senator from Arkansas [Mr. ROBINSON] is detained on official business.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from New Jersey [Mr. EDGE] with the Senator from Oklahoma [Mr. OWEN];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Maine [Mr. FERNALD] with the Senator from South Dakota [Mr. JOHNSON];

The Senator from Minnesota [Mr. KELLOGG] with the Senator from North Carolina [Mr. SIMMONS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The result was announced—yeas 52, nays 3, as follows:

YEAS—52.

Ashurst	Hale	McKellar	Sheppard
Ball	Harding	McNary	Smith, Ariz.
Borah	Harrison	Moses	Smith, S. C.
Brandegee	Jones, N. Mex.	Nelson	Smoot
Calder	Jones, Wash.	New	Spencer
Capper	Kendrick	Norris	Stanley
Chamberlain	Kenyon	Nugent	Sterling
Curtis	Keyes	Overman	Swanson
Dial	Knox	Page	Townsend
Elkins	Lenroot	Phelan	Trammell
France	Lodge	Pittman	Underwood
Frellinghuysen	McCormick	Poindexter	Walsh, Mont.
Gerry	McCumber	Pomerene	Warren

NAYS—3.
King Myers Thomas

NOT VOTING—41.

Beckham	Glass	McLean	Smith, Ga.
Colt	Gore	Newberry	Smith, Md.
Comer	Gronna	Owen	Sutherland
Culberson	Harris	Penrose	Wadsworth
Cummins	Henderson	Philpotts	Walsh, Mass.
Dillingham	Hitchcock	Ransdell	Watson
Edge	Johnson, Calif.	Reed	Williams
Fall	Johnson, S. Dak.	Robinson	Wolcott
Fernald	Kellogg	Sherman	
Fletcher	Kirby	Shields	
Gay	La Follette	Simmons	

So the motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. ASHURST. I offer an amendment to the bill. I ask that it be read.

The PRESIDING OFFICER (Mr. McCORMICK in the chair). The proposed amendment will be read.

The ASSISTANT SECRETARY. On page 3, after line 17, insert a new section, as follows:

SEC. 4. That all Army nurses of the War with Spain, the Philippine insurrection, and the China relief expedition shall be entitled to the benefits of this act.

Mr. JONES of Washington. I desire to present the conference report on the river and harbor appropriation bill. May I ask if the Senator from Indiana will permit the unfinished business to be temporarily laid aside for the consideration of the conference report?

Mr. NEW. I have no objection to the granting of the request. The PRESIDING OFFICER. If there be no objection, the unfinished business will be temporarily laid aside.

RIVER AND HARBOR APPROPRIATIONS—CONFERENCE REPORT.

Mr. JONES of Washington submitted the following conference report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11892) making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 11, 15, 18, 20, 24, 26, 27, 32, 40, 43, 57, and 65.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 8, 9, 12, 14, 16, 17, 19, 21, 25, 28, 29, 30, 31, 33, 35, 37, 38, 41, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 58, 59, 60, 62, and 63, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 10, and agree to the same with its insertion on page 10, after line 16; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Sterlings" and insert in lieu thereof the word "Starlings"; and strike out the word "Accomack" and insert in lieu thereof the word "Accomac"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 22, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Charlotte Harbor, Fla., with a view to securing a channel of suitable dimensions to Punta Gorda"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Harbor at St. Petersburg, Fla."; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "Tennessee River and tributaries, in North Carolina, Tennessee, Alabama, and Kentucky"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the proposed amendment strike out the word "Pollockville" in line 4, insert in lieu thereof the word "Pollokville," and transfer the item so amended to page 5, after line 5; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In line 4 of the amendment strike out the word "deep" and insert in lieu thereof the word "depth";

and in line 18 of the amendment strike out the word "Ceritor" and insert in lieu thereof the word "Cerritos"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following: "with a view to"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 55, and agree to the same with an amendment as follows: In line 7 of the proposed amendment strike out the word "appropriation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lines 7 and 8 of the proposed amendment strike out the word "Appropriation"; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert the following:

"Sec. 6. That the laws of the United States relating to the improvement of rivers and harbors, passed between March 4, 1913, until and including the laws of the third session of the Sixty-sixth Congress, shall be compiled under the direction of the Secretary of War and printed as a document, and that 600 additional copies shall be printed for the use of the War Department."

And the Senate agreed to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 64, and agree to the same with an amendment as follows: In line 2 of the proposed amendment strike out the word "appropriation"; and the Senate agree to the same.

The committee of conference have been unable to agree on the amendment of the Senate numbered 1.

W. L. JONES,
CHAS. L. McNARY,
JOS. E. RANDELL,
Managers on the part of the Senate.
C. A. KENNEDY,
S. WALLACE DEMPSEY,
THOS. GALLAGHER,
Managers on the part of the House.

Mr. JONES of Washington. I ask for the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. KING. Mr. President, I should like to ask the Senator to explain what the particular differences were and what concessions were made by the Senate conferees.

Mr. JONES of Washington. Outside of amendment numbered 1, which covers the amount that is carried in the bill, the other provisions were with reference to surveys. The House conferees receded from most of the surveys. We followed this rule, however, in passing upon provisions for surveys; That where an adverse report had been made upon a proposition within four years, the Senate conferees receded from any provision for a new survey. That, in brief, is the substance of the report.

Amendment numbered 1 covers the amount carried in the bill. There is disagreement over that amendment. We have not agreed on it. When the conference report is agreed to I desire to make a statement with reference to that feature of the bill. The other provisions of the bill, the amendments put on by the Senate looking to contributions, were accepted by the House, and the further amendments of a general character that the Senate put on were accepted by the House. Is there any further information that I can give to the Senator?

Mr. KING. Does the report increase the amount as the bill passed the Senate?

Mr. JONES of Washington. Oh, no; we have not agreed upon the amount at all. That is in disagreement yet, and it is the only amendment that is in disagreement. That is amendment numbered 1. The House passed the bill providing for \$12,000,000, and the Senate increased the amount to \$24,000,000. We have reached no agreement on that.

Mr. KING. Have not the Senate conferees acceded to certain amendments which of necessity would increase the amount of the appropriation above \$12,000,000?

Mr. JONES of Washington. Oh, no; not at all.

Mr. KING. I am very much interested in trying to help the Republicans to practice economy, which some of them do not seem to be very anxious to carry into effect.

Mr. JONES of Washington. The matter of economy is involved in amendment numbered 1.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

Mr. JONES of Washington. I move that the Senate further insist upon its amendment numbered 1 and request a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

I desire to make this brief statement before the motion is put. The Senate will remember that the House passed the bill providing for \$12,000,000 and that the Senate committee made its report, recommending that the amount be increased to \$20,000,000. After considerable discussion in the Senate, the Senate agreed to an amendment increasing the amount recommended by the committee from \$20,000,000 to \$24,000,000, and in that form the bill passed the Senate. The conferees have not been able to reach any agreement with reference to the amount. The House Members insist strenuously upon their amount, \$12,000,000. The Senate conferees made a proposal to accept \$18,000,000, but this was not accepted by the House conferees.

Here is the situation: The engineers of the Army came before the Senate Committee on Commerce and very strenuously urged that we should appropriate \$19,000,000 for improvements and \$5,000,000 for maintenance, or \$24,000,000 altogether. They stated positively that they felt they could not get along well with less than that amount of money, and that if Congress appropriated less than that sum of money, either the needs of commerce would suffer or the improvements that were under way would suffer and thereby bring a loss to the Government.

Col. Taylor also stated that the amount on hand the 1st of February was a little over \$36,000,000. According to the statement submitted to the House, on the 1st of November last there was on hand the sum of \$59,000,000 in round numbers. Col. Taylor, as I said, stated that on the 1st of February there was on hand \$36,000,000. The committee inquired rather particularly about that, and we thought we understood the situation. According to that they were spending about \$5,000,000 a month. Col. Taylor went on to say that on the 1st of July we would have about \$12,000,000 or \$13,000,000 on hand. That was based upon the assumption that we would spend \$5,000,000 a month.

When the matter came up in the Senate, of course, these facts were brought out, and I remember stating on the floor that, assuming that to be correct, and if we were to spend at the same rate of \$5,000,000 a month up to the 1st of January, and appropriated \$20,000,000 available the 1st of July, we would have on hand only about \$2,000,000 the 1st of January. Whether that had anything to do with the action of the Senate in increasing the amount to \$24,000,000 I can not say. Before that statement was presented there was very strong argument made for increasing the amount and an amendment was proposed making it \$27,000,000, which, my recollection is, was lost by only two votes. At any rate, I made that statement on the floor.

I understood Col. Taylor's testimony before our committee to mean and to be to the effect that the \$59,000,000 on hand the 1st of November had been reduced to \$36,000,000 on the 1st of February, and that this coming summer and fall the expenditures would at least be equal to what they had been in the few months before, if not more. But after the bill had passed the Senate, in talking with one of the House Members, he made a suggestion that led me to think that possibly we had misunderstood Col. Taylor. I do not think that Col. Taylor intended to mislead us at all, but that we had misunderstood him. So I wrote him a letter asking him further and more particularly as to the amount of money that we had on hand. He wrote me under date of April 10 as follows:

Balance available February 1, 1920, for works of river and harbor improvement, \$36,307,292 (does not include allotments for Wilson Dam and Illinois and Michigan Canal, nor flood-control appropriations).

I was not satisfied with that, and I telephoned him again and told him what I wanted to get was a statement clearly showing the amount of money that was actually unexpended, and in answer I received a letter under date of April 29, 1920, giving me a table showing the amount of money on hand in connection with every project that is under way, the amount of money that has been allotted out of that or under contract, and the amount of money that is unallotted and uncontracted, and this is the showing that that makes: That on the 1st day of April, instead of the 1st day of February, there was on hand for river and harbor improvements under way \$60,005,311.69; that of that there had been allotted or contracted to

be spent \$27,305,253.96, leaving, on the 1st of April, a balance available that has not been contracted, that has not even been allotted, of \$32,750,547.90.

So when I made the statement on the floor of the Senate that since November 1 up to February 1 we had expended at the rate of \$5,000,000 a month I was incorrect. That amount of money had probably been allotted for expenditure or contracts had been made that when completed would involve that amount of expenditure; but, as a matter of fact, they have not been spending even half that amount. I have here a statement, under date of May 4, from the Engineer's office giving the amount of money actually spent per month from July 1 to December 31, 1919, as being \$16,921,692.52, or a little over \$2,000,000 a month. Then in January, 1920, they spent \$2,360,240.63; in February, 1920, they spent \$1,929,334.57; in March, 1920, they spent \$2,393,195.84; and in April they spent a little over \$2,562,000. So they are not now spending in excess of two and a half million dollars a month.

That, Mr. President, is the situation financially. It shows the amount of money that is available during the coming year up to the 4th of next March, and it is assumed that we shall pass a river and harbor bill prior to that time. In view of this showing, the other House is insisting very strongly that the \$12,000,000 provided for in its bill will be amply sufficient to take care of the needs of river and harbor improvements up to the 4th of next March.

Mr. President, I felt that I should make that statement before asking the Senate to further insist upon its amendment and allowing the bill to go back to conference. I desire to assure the Senate, however, that if it does send the bill back to conference the Senate conferees will do the very best they possibly can, in the light of these figures and of this situation, to carry out the wishes of the Senate.

If there be no further suggestions in reference to the matter, I move that the Senate further insists upon its amendment No. 1, request a further conference with the House on the disagreeing votes of the two Houses thereon, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Presiding Officer appointed Mr. JONES of Washington, Mr. McNARY, and Mr. RANDELL conferees on the part of the Senate at the further conference.

OIL LAND LEASING REGULATIONS.

Mr. PITTMAN. Mr. President, I wish to call the attention of the Senate to the rules and regulations which have been promulgated by the Department of the Interior in regard to what is known as the oil-leasing bill. Protests in various form are reaching me from all over the country against those rules and regulations. I have studied them very carefully, and I think in many cases they absolutely nullify the purpose and spirit of the act. I have drawn a brief on the subject, which I have submitted to the Secretary of the Interior, and I desire permission to have it printed in the RECORD, in order that it may reach all of those from whom inquiries have been received concerning the matter and as well be of assistance, perhaps, to Senators who have received similar inquiries.

Mr. LODGE. I think it ought to be incorporated in the RECORD.

Mr. SMOOT. Do I understand the Senator to say that the matter has been approved by the Secretary of the Interior?

Mr. PITTMAN. No. It is a protest to the Secretary of the Interior against the rules and regulations issued by the Department of the Interior as nullifying the purpose of the act. I simply desire to have it printed in the RECORD in order to save correspondence and give each Senator the opportunity to utilize it if he so desires. It is in the form of a brief.

Mr. SMOOT. I think that is all right, Mr. President.

The PRESIDING OFFICER. Without objection, the request of the Senator from Nevada is granted.

The matter referred to is as follows:

UNITED STATES SENATE,
Washington, D. C., May 26, 1920.

HON. JOHN BARTON PAYNE,

The Secretary of the Interior, Washington, D. C.

SIR: I take the liberty of calling to your attention certain regulations and rulings issued by your department relative to operations under and enforcement of the act of February 25, 1920, Public No. 146, known as the general oil-leasing bill, which, in my opinion, are in conflict with the spirit and purpose of the act, nullifying in their effect, and without and beyond the authority granted your department in the act. I would not impose this additional burden upon you were it not for the fact that this legislation is of vital interest to my constituents and to the whole country.

Under section 19 of the leasing bill prior locators have a right to accept a prospecting permit within six months after the passage of the act, or they may have the option under section 37 of prosecuting their claims to patent under the laws existing prior to the passage of the leasing bill. The period is rapidly approaching when they must exercise their options, and therefore a final ruling upon these matters must be made at an early date or great and irreparable damage will be done to bona fide locators.

Since September 27, 1909, and until the passage of the leasing bill, practically all of the supposed oil lands on the public domain have been withdrawn and withheld from exploration for oil. At the time of the passage of the act the oil situation had become extremely critical, not only in the United States but throughout the world. The purpose of the act was not to retard but to encourage and aid in the exploration for and development of our oil resources.

The authority of the Department of the Interior to make rules and regulations is found in section 32 of the act. It is as follows:

That the Secretary of the Interior is authorized to prescribe necessary and proper rules and regulations and to do any and all things necessary to carry out and accomplish the purposes of this act.

In this brief and argument I will deal only with one regulation. With your permission, I will submit a brief later with regard to other harsh, unreasonable, and restrictive regulations.

Section 37 of the act provides:

That the deposits of coal, phosphate, sodium, oil, oil shale, and gas, herein referred to, in lands valuable for such minerals shall be subject to disposition only in the form and manner provided in this act, except as to valid claims existent at date of passage of this act and thereafter maintained in compliance with the laws under which initiated, which claims may be perfected under such laws, including discovery.

The regulation affecting the foregoing exception to the provision of the act is found in paragraph (c) of Regulation VI. It is as follows:

Stated negatively, under this section of the act, the following classes of oil or gas placer locations, so called, notwithstanding absence of fraud and full compliance with law in other respects, may not proceed to patent, viz: (c) Any location on lands not withdrawn, on which, at the date of the act, the claimant had not made discovery or was not in diligent prosecution of work leading to discovery, and does not continue such work with diligence to discovery.

A discovery is not required in either case.

I call particular attention to the conflict between the requirements of the act and the requirements of the regulation. Under the requirements of the act all that is necessary is that the claim shall have been located and maintained in accordance with the then existing law governing placer mining locations and shall be so maintained until a discovery is made. The regulation goes further and adds the additional requirement not provided in the placer law, namely, that the locator must have been in the diligent prosecution of work leading to such discovery and must continue such work from and after the passage of the leasing bill with diligence to discovery. It is this requirement of diligence before and after the date of the passage of the leasing bill that places a burden and obligation upon the locator not required under the general placer mining law nor required under the terms of the leasing bill. It was this requirement of diligence under the Pickett Act and the harsh and unreasonable construction that was given to such provision that resulted in the notorious injustice perpetrated upon locators of placer oil claims embraced in the withdrawal of 1909. But in such cases the Department of the Interior did not read into the act the word "diligence," because the Pickett Act itself contained such provision. The Pickett Act, however, was remedial legislation and was intended solely to relieve locators whose claims had been brought within a withdrawn area after location but prior to a discovery.

The regulation that I am now attacking does not deal with lands within any withdrawn area but with mining locations upon the nonwithdrawn public lands, which were at all times prior to the passage of the leasing bill, on February 25, 1920, open to location and exploration for oil under the general placer mining act of 1872 and the amendments of 1874, 1876, and 1897. In none of the acts to which I have referred is there any requirement that the locator shall be diligent in the prosecution of his work.

Section 2319, Title XXXII, chapter 6, of the Revised Statutes, setting forth the act of 1872, provides:

All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase.

In section 2324 of the same act we find the following:

The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located

by reference to some natural object or permanent monument as will identify the claim. On each claim located after the 10th day of May, 1872, and until a patent has been issued therefor, not less than \$100 worth of labor shall be performed or improvements made during each year.

The Federal law also recognizes the rules and regulations provided by State laws not in conflict with the Federal laws.

In section 2329 of the same act we find the following:

Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims.

Prior to February 11, 1897, oil locations were made under the placer act. Certain decisions of the courts threw doubt upon the applicability of the placer act to the location and acquisition of oil lands. Therefore, on February 11, 1897 (29 Stat., 526), an act was passed and approved expressly providing for the entry and patenting of lands containing petroleum and other mineral oils under the placer-mining laws of the United States.

In this act there is no requirement for diligent prosecution of work.

Such are the laws applicable to mining locations made prior to the passage of the leasing bill, and which locations are excluded from the operations of said act by its express terms. Under such laws there are certain essential acts of a placer-mining location, namely:

- (a) The posting of the notice of the claim upon the ground.
- (b) The marking of the boundaries so that they may be readily traced upon the ground.
- (c) The performance of work upon each claim annually of a value of not less than \$100.
- (d) A discovery of the mineral.
- (e) Recording notice of location where required by State laws.

In *Mining Co. v. Tunnel Co.* (196 U. S., 348) the court quotes the following opinion with approval:

The order of time in which these several acts are performed is not of the essence of the requirements, and it is immaterial that the discovery was made subsequent to the completion of the acts of location, provided only all the necessary acts are done before intervening rights of third parties accrue. All these other steps having been taken before a valid discovery, and a valid discovery then following, it would be a useless and idle ceremony, which the law does not require, for the locators again to locate their claims and refile their location certificate or file a new one.

Let me call to your attention that as far as requirement (c) is concerned, it has been held by the Department of the Interior and by the courts that this work need not be performed actually upon the claim; that it may be any kind or character of work that is essential for the prosecution of the work looking to a discovery or the mining of the mineral. For instance, it has been held time and again that the building of a road or a trail to the property where such road or trail was necessary did constitute the work required under the statute.

The act, in speaking of "valid claims existent at date of passage of this act," can have but one meaning and that is valid by reason of a compliance with the then existing law with the exception of the discovery, because in the same sentence it provides "which claims may be perfected under such laws, including discovery."

There is but one question with regard to this regulation and that is not a question of discovery but a question as to whether or not the Interior Department has the authority under the leasing bill to require more of the locator than is required under existing law applicable to mining locations on nonwithdrawn public domain. There is nothing in these acts that requires or even mentions diligence or that requires more than \$100 worth of work annually. The acts essential to the valid location and maintenance of a mining claim under the general placer-mining laws have been adjudicated and are understood by miners.

What is meant by "diligent prosecution of work" is unknown. It depends for its construction upon the whim of the Commissioner of the General Land Office or some other officer of the Department of the Interior. The same provision in the Pickett Act was so construed by the Department of the Interior as to practically nullify the act in many cases.

What encouragement or hope may be held out to the prospector or explorer if, after the expenditure of all his means and the suffering of years of toil, he can be cut off like hay by a retroactive law or departmental ruling? Such was not the intention of Congress in the enactment of the leasing bill of February 25, 1920. Congress had become fully cognizant of the injustices done under the Pickett Act of 1910, through the technical construction of the same clause with regard to diligence that is contained in the regulation I am attacking. Having this in mind, Congress purposely omitted from the saving clause contained in section 37 the provisions with regard to diligence that were contained in the Pickett Act of 1910.

Let us see what the Pickett Act of 1910 is, because it was from the Pickett Act that the drafter of these regulations undoubtedly

obtained the suggestion for the requirement of diligence in the prosecution of work looking to discovery before and after the passage of the leasing bill. The Pickett Act was approved June 25, 1910 (36 Stat., 849). It provides:

That the President may, at any time in his discretion, temporarily withdraw from settlement, location, sale, or entry any of the public lands of the United States—

And so forth. And then there is found in section 2 of said act the following proviso:

Provided, That the rights of any person who, at the date of any order of withdrawal heretofore or hereafter made, is a bona fide occupant or claimant of oil or gas-bearing lands, and who at such date is in diligent prosecution of work leading to discovery of oil or gas, shall not be affected or impaired by such order so long as such occupant or claimant shall continue in diligent prosecution of said work.

It will be noted that the drafter of the regulations has taken the proviso from the Pickett Act. In other words, he is attempting by regulations to substitute the Pickett Act for the general placer-mining acts.

The locator or claimant referred to in the Pickett Act had been deprived of the privilege of prosecuting his work to a discovery by the withdrawal of the land from entry under the mining laws. It was an act that dealt solely with withdrawn lands, with lands that the Government had designated as probable oil-bearing lands. The Pickett Act had nothing to do with the nonwithdrawn public lands of the United States which our Government did not consider of sufficient prospective value to withdraw.

The locations referred to in section 37 of the leasing bill and in the regulation with regard to said section, are the latter classes of land and not such lands as were provided for under the Pickett Act. The drafter of the regulation evidently has not drawn this distinction. The drafter of the regulation was evidently of the opinion that the Pickett Act applied to locations referred to and excepted in section 37 and therefore required that the discovery work upon such locations should be prosecuted with the diligence required in the Pickett Act. The most casual examination of the Pickett Act will clearly disclose to any careful lawyer that it was a special act dealing with a special situation and not applicable to the character of locations excepted from the provisions of the leasing bill under section 37.

It must be fundamental that the Department of the Interior, in its rules and regulations, can not require more of a locator than is required in the law.

In conclusion, let me respectfully suggest that it is to the vital interest of our country that new oil structures be discovered. Those prospectors and explorers who were willing to go upon the public domain outside of the withdrawn areas and beyond the districts where the Geological Survey after years of investigation had designated as possible oil lands, and who attempted, without the aid of the Government and through their own adventurous spirits, to discover and produce and add to one of the vital powers of our Government should be encouraged in every way and not hampered and retarded by unnecessary, harsh, and restrictive regulations.

Respectfully submitted.

KEY PITTMAN.

PURCHASE OF SILVER.

Mr. PITTMAN. Mr. President, I also ask to have printed in the RECORD a memorandum from the Director of the Mint and a copy of a telegram sent by him to the superintendent of the mint at Denver with regard to the purchase of silver under the Federal silver act; also, a copy of a telegram sent by me to the secretary of the Nevada Mine Operators' Association. They are very short.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

TREASURY DEPARTMENT.

OFFICE OF DIRECTOR OF THE MINT,
Washington, May 24, 1920.

Memorandum for Senator PITTMAN.

Section 3519, Revised Statutes, provides:

* * * It shall be lawful, however, to refuse any deposit of less value than \$100 or any bullion so base as to be unsuitable for the operations of the mint.

The existing regulations of the mint and assay service provide that "bullion containing 800 or more parts in 1,000, by assay, of base metals shall be refused."

The regulations also provide that "bullion containing 1 part in 1,000, by assay, of gold shall be classed as gold bullion."

The following is a copy of the telegram sent the superintendent of the mint at Denver under date of May 20:

Replying to your telegram, silver contained in gold deposits which can be covered by certificates as to origin and treatment paid for at \$1. The deposit, however, subject to regular charges.

M. M. O'RIELLY.

[Copy—Western Union telegram.]

WASHINGTON, D. C., May 24, 1920.

HENRY M. RIVES,
Secretary Nevada Mine Operators' Association,
Reno, Nev.:

Certain newspapers throughout the country are publishing statement to effect that mints would only accept refined silver under the Pittman Act. This is not true. The mint will accept the ordinary bullion bars as they come from mills and smelters, as it has heretofore done. If bullion contains one one-thousandth part gold, it is termed gold deposit, and the silver in such gold deposit, no matter how small or large in quantity it may be, will be paid for at the rate of a dollar an ounce for each ounce therein contained of pure silver, or what is termed pure silver, nine hundred and ninety-nine one-thousandths pure. If the bullion contains no gold but contains six hundred one-thousandths silver, then it will be accepted as a silver deposit and paid for in same way. The expression in act, "1,000 fine," measures price paid for silver in bullion and does not control purity or kind of bullion received. Mints will charge small separation charge—that is, separation of silver from other metals in bullion—but this charge is always made by smelters at present time. I have had this matter up with Director of Mint, and he has given orders in accordance herewith to all mints receiving silver under Pittman Act. Under the misconception of act that I have referred to it was charged that only refiners could take the benefit of act. This, of course, under proper construction, which I have given, is not true. In fact, under Pittman Act the necessity of sending silver to smelters and refineries is entirely eliminated. By reason of publication of Government's intentions under Pittman Act silver has already gone up above a dollar an ounce. Such misconstructions and misunderstandings as I have referred to must be publicly corrected or they will be used for purpose of deceiving producers of silver and of bearing its price. Such misconstructions will also be used, unless publicly and completely contradicted, to assist in propaganda for repeal of Pittman Act. As long as such act remains on statute books, and I can guarantee that it will not be repealed so long as present rules of Senate exist, American silver will not sell below a dollar an ounce.

KEY PITTMAN.

ARMENIAN MANDATORY.

Mr. LODGE. Mr. President, I desire to give notice that tomorrow, immediately after the conclusion of the morning business, I shall ask the Senate to consider what is known as the Armenian resolution in regard to the mandate over Armenia. I do not wish to interfere with the pending bill at all, but it is now only 20 minutes past 3 o'clock, and I do not see why that bill should not be disposed of this afternoon, which will permit us to adjourn until tomorrow, when I may ask that the resolution referred to be taken up for consideration immediately after the morning business.

SPANISH WAR AND OTHER PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Arizona [Mr. ASHURST].

Mr. KING. Mr. President, I will ask the Senator from Massachusetts if it will not be agreeable to him to take a recess at this time until 12 o'clock tomorrow, with the understanding that the bill of which the Senator from Indiana is in charge shall be disposed of within an hour thereafter?

Mr. LODGE. If a time can be fixed for taking a vote on the pension bill, I shall be very glad to make such an arrangement.

Mr. KING. So far as I know the Senator from Colorado [Mr. THOMAS] and myself are the only Senators who will submit any observations upon the measure, and I am sure that we will not consume more than an hour.

Mr. LODGE. If we could meet at 11 o'clock and allow the pension bill the time until 1 o'clock, would that suit the Senator?

Mr. KING. Yes.

Mr. NEW. I suggest that we agree to vote on the pension bill at not later than 1 o'clock.

Mr. LODGE. That at not later than 1 o'clock the vote shall be taken on the pending bill.

The PRESIDING OFFICER. Does the Senator from Massachusetts make such a request for unanimous consent?

Mr. LODGE. Yes; I ask unanimous consent to that effect.

The PRESIDING OFFICER. Will the Senator from Massachusetts state the request for unanimous consent?

Mr. LODGE. I ask unanimous consent that at not later than 1 o'clock p. m. to-morrow, May 29, the Senate shall vote without further debate on House bill No. 2, being what is commonly known as the Sells bill, to pension the veterans of the Spanish War, the Philippine Insurrection, and the China relief expedition, with the usual provision in regard to amendments pending or which may be offered.

The PRESIDING OFFICER. Is there objection?

Mr. LODGE. Mr. President, I think, under the rule, we will have to have a quorum call before the proposed unanimous-consent agreement can be entered into.

The PRESIDING OFFICER. The Secretary will call the roll.

The Reading Clerk called the roll, and the following Senators answered to their names:

Brandegee	Kendrick	Nugent	Smith, Md.
Capper	King	Overman	Smith, S. C.
Chamberlain	Lenroot	Page	Smoot
Curtis	Lodge	Phelan	Spencer
Elkins	McCormick	Pittman	Sterling
France	McNary	Poindexter	Swanson
Frelinghuysen	Moses	Ransdell	Thomas
Gerry	Nelson	Sheppard	Townsend
Harrison	New	Simmons	Underwood
Jones, Wash.	Norris	Smith, Ga.	Walsh, Mont.

Mr. GERRY. The Senator from Arkansas [Mr. ROBINSON] and the Senator from Nebraska [Mr. HITCHCOCK] are absent on official business.

Mr. CURTIS. I wish to announce the absence of the Senator from Maine [Mr. HALE] on official business.

The PRESIDING OFFICER. Forty Senators having answered to their names, there is not a quorum present. The Secretary will call the names of absent Senators.

The Reading Clerk called the names of the absent Senators, and Mr. STANLEY, Mr. SUTHERLAND, Mr. TRAMMELL, Mr. WADSWORTH, Mr. WALSH of Massachusetts, and Mr. WARREN answered to their names when called.

Mr. FALL, Mr. KENYON, Mr. JONES of New Mexico, Mr. POMERENE, Mr. BALL, Mr. GLASS, Mr. HARDING, Mr. KEYES, and Mr. SMITH of Arizona entered the Chamber and answered to their names.

The PRESIDING OFFICER. Fifty-five Senators having answered to their names, there is a quorum present. The Senator from Massachusetts asks that unanimous consent be given that at not later than 1 o'clock p. m. on the calendar day of Saturday, May 29, the Senate will proceed to vote without further debate upon any amendment that may be pending, any amendment that may be offered, and upon the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, through the regular parliamentary stages to its final disposition. Is there any objection?

Mr. POINDEXTER. Mr. President, pending the giving of consent to that request I want to call attention to H. R. 5218, a bill to provide revenue for the Government and to establish and maintain the production of magnesite ores and manufactures thereof in the United States. That bill has passed the House, and has been considered and reconsidered in the Finance Committee of the Senate. It has been reported without amendment. It has been discussed considerably among Senators, and, according to the best information that I can get, would not involve a great amount of discussion upon the floor of the Senate if it were brought up for a vote.

Mr. THOMAS. Mr. President, it is my duty to undeceive the Senator as to that impression.

Mr. POINDEXTER. I understood that the Senator from Colorado was not going to be so severe on this bill as he has been on some of these other tariff measures.

Mr. THOMAS. The Senator from Colorado is obliged to be consistent during the rest of his term.

Mr. POINDEXTER. I give notice, for the benefit of the Senators who are interested in the bill, that on Monday morning, at the conclusion of the morning business, or as soon thereafter as I can get an opportunity, I shall move to proceed to the consideration of this bill.

The PRESIDING OFFICER. Is there any objection to the request of the Senator from Massachusetts [Mr. LODGE]? The Chair hears none, and it is so ordered.

The unanimous-consent agreement entered into was reduced to writing, as follows:

It is agreed by unanimous consent that at not later than 1 o'clock p. m., on the calendar day of Saturday, May 29, 1920, the Senate will proceed to vote, without further debate, upon any amendment that may be pending, any amendment that may be offered, and upon the bill H. R. 2, a bill to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition, through the regular parliamentary stages to its final disposition.

WATER-POWER DEVELOPMENT.

Mr. JONES of Washington. Mr. President, I have a concurrent resolution that I desire to offer, and I ask for its immediate consideration. It was the intention to have the resolution offered and passed first by the House, but conditions there seem to be such that there is doubt that it can be acted upon. It is a concurrent resolution authorizing, in the enrollment of the water-power bill, the insertion of a provision to the effect that the short title of the act shall be "The Federal water-power act." The conferees felt that that ought to go in, but we had no authority to do it, and so we did not run the risk of a point of order. Then the concurrent resolution also amends the title. The title, strange to say, had a duplication that was not observed until it had passed both Houses and gone into conference, and we simply ask to correct the title.

I ask unanimous consent for the present consideration of the concurrent resolution.

The PRESIDING OFFICER. Is there any objection?

The concurrent resolution (S. Con. Res. 28) was read, considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate (the House of Representatives concurring), That in the enrollment of the bill (H. R. 3184) entitled "An act to create a Federal power commission and to define its powers and duties, to provide for the improvement of navigation, for the development of water power, for the use of lands of the United States in relation thereto, to repeal section 18 of 'An act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes, approved August 8, 1917, and for other purposes,' and for other purposes," the clerk be, and he is hereby, authorized and directed to add a new section, to be known as section 30, and to read as follows:

"Sec. 30. That, the short title of this act shall be 'The Federal water-power act.'"

Also to amend the title to read as follows: "An act to create a Federal power commission; to provide for the improvement of navigation; the development of water power; the use of the public lands in relation thereto, and to repeal section 18 of the river and harbor appropriation act, approved August 8, 1917, and for other purposes."

SPANISH WAR AND OTHER PENSIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 2) to pension soldiers of the War with Spain, the Philippine insurrection, and the China relief expedition.

The PRESIDING OFFICER. The question is upon the amendment of the Senator from Arizona [Mr. ASHURST] to House bill 2.

Mr. THOMAS. I supposed that bill had gone over

Mr. NEW. Mr. President, as I understand, the consideration of that bill goes over until to-morrow under the unanimous-consent agreement.

Mr. LODGE. No.

The PRESIDING OFFICER. No; under the request of the Senator from Massachusetts the pending business is House bill 2. It was agreed merely that the vote upon the so-called Armenian resolution should follow the vote as fixed by the unanimous-consent agreement.

Mr. KING. Mr. President, the understanding was—

Mr. LODGE. Mr. President, I think that is not quite correct. The unanimous-consent agreement was simply that the vote should be taken on the pending bill, the Sells pension bill, at 1 o'clock to-morrow.

Mr. THOMAS. And amendments.

Mr. LODGE. And amendments. That has been agreed to. I gave notice before that that I should ask the Senate to take up the Armenian mandate resolution immediately afterwards. That was simply a notice. There was no agreement about it.

Mr. KING. Mr. President, the understanding which I had with the Senator from Massachusetts and the Senator from Indiana was that we would not proceed further with the so-called Sells pension bill this afternoon, but that it would be taken up at 11 o'clock to-morrow morning.

Mr. NEW. Mr. President, in order that there may be no misunderstanding, I will state that it was my understanding with the Senator from Massachusetts and the Senator from Utah that the unanimous-consent agreement carried with it the suspension of consideration of this measure until to-morrow morning, when it would be taken up as the unfinished business and voted on at 1 o'clock.

Mr. CURTIS. Mr. President—

Mr. LODGE. Mr. President, that understanding was not covered by the unanimous-consent agreement. It is perfectly easy, if that is the understanding among those who are particularly interested in the Sells bill, to ask now that it be temporarily laid aside.

Mr. NEW. Then, Mr. President, I ask that House bill No. 2, which is the unfinished business, be temporarily laid aside.

The PRESIDING OFFICER. Is there any objection? The Chair hears none, and it is so ordered.

LEAGUE OF NATIONS.

Mr. SPENCER. Mr. President, I ask that the letter which I send to the desk, addressed to me, from the Washington Central Labor Union, be printed in the RECORD without reading. There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON CENTRAL LABOR UNION,
May 24, 1920.

HON. SELDEN P. SPENCER,

United States Senate, Washington, D. C.

SIR: In reply to yours of May 14, 1920, in regard to text of resolution passed by Washington Central Labor Union instructing its delegate to the American Federation of Labor convention to be held in Montreal, Canada, to oppose any advocacy of the League of Nations, I may state that there was no such resolution passed by the Washington Central Labor Union.

At the regular meeting of the Washington Central Labor Union Monday, May 10, 1920, a motion was adopted by the body to instruct the delegate to the American Federation of Labor convention not to vote for the indorsement of the League of Nations without reservations.

I am not in a position to state whether any other central labor union has taken like action.

Hoping that the information herein contained will be satisfactory, and desiring to be of further service to you at any time, I remain,

Very truly, yours,

[SEAL.]

FRANK J. COLEMAN,
Secretary.

CUSTER STATE PARK GAME SANCTUARY.

Mr. STERLING. I should like to call attention to H. R. 11398, a bill for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes, and to ask unanimous consent for its present consideration.

The PRESIDING OFFICER. Is there any objection?

Mr. KING. I object.

The PRESIDING OFFICER. The Senator from Utah objects.

PERSONAL EXPLANATION.

Mr. SHEPPARD. Mr. President, I rise to a question of personal privilege.

I have noted that certain newspapers in Texas are giving currency to an erroneous report regarding my recent remarks on the prohibition brief filed by the State of New Jersey before the United States Supreme Court. This report is to the effect that I was compelled to apologize for those remarks. Nothing could be further from the truth. I was not compelled to do anything or to say anything in connection with the matter. What I did say was on my own initiative and of my own volition, solely with a view to clarifying my meaning and not by way of apology.

I withdrew a portion of my remarks on the day after they were made because I did not want anything I had said to remain in the RECORD that might be susceptible of a construction that reflected in any way on any State or any Senator.

I wish to add that it is still my belief that governments derive their just powers from the consent of the governed, and that any contention to the effect that the governed can not change, alter, or amend their government tends in the last analysis to precipitate anarchy, chaos, and revolution.

NATIONAL PROHIBITION ENFORCEMENT ACT.

Mr. STERLING. From the Committee on the Judiciary I report back favorably without amendment the bill (S. 4296) to confer upon the Territorial courts of the Territory of Hawaii jurisdiction concurrent with the United States courts of that district of all offenses under the act of October 28, 1919, known as the national prohibition enforcement act, and I submit a report (No. 640) thereon. I call the attention of the Senator from Texas [Mr. SHEPPARD] to the bill.

Mr. SHEPPARD. Mr. President, I want to say to the Senate that at present all process in these prohibition cases in the various islands composing the Hawaiian group must be made returnable to Honolulu and probably one or two other larger places. This imposes great hardship on all concerned, and often results in a failure of justice. The object of this bill is to confer jurisdiction on the local courts in the various islands, in order that the cases may be tried before the local magistrates. I ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

There being no objection, the bill was considered as in Committee of the Whole, and it was read, as follows:

Be it enacted, etc., That there is conferred upon the Territorial magistrates and courts of the Territory of Hawaii jurisdiction, concurrent with the commissioners and courts of the United States for said Territory, of all offenses under the act of October 28, 1919, known as the national prohibition enforcement act, the jurisdiction of said Territorial magistrates and courts over said offenses to be the same which they now have over other criminal offenses within their jurisdiction.

Sec. 2. That this act shall take effect and be in force from and after its passage and approval.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

AMENDMENT OF VOCATIONAL REHABILITATION ACT.

Mr. SMITH of Georgia. I wish to call attention to H. R. 12266, a bill to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919.

This is a bill, which has passed the House, to add \$20 a month to the support of the injured soldiers who are taking vocational rehabilitation. The evidence before the House committee showed clearly that it was utterly impossible for these men to pay their expenses on the \$80 a month now allowed them; and the House, practically by a unanimous vote, has increased the compensation \$20 per month.

I ask unanimous consent that we take up the bill for consideration.

Mr. THOMAS obtained the floor.

Mr. SMOOT. Mr. President—

Mr. THOMAS. I yield to the Senator from Utah.

Mr. SMOOT. When we reached this bill on the calendar the last time the senior Senator from Wyoming [Mr. WARREN] objected to its consideration. I know that the Senator from Wyoming is very much interested in this bill, and in his absence I could not allow it to be taken up.

Mr. THOMAS. Mr. President, my purpose in rising also was to announce that the junior Senator from Utah [Mr. KING] desires to be heard on this bill. He has just gone home because of illness, and for that reason I should have to object to unanimous consent.

Mr. SMITH of Georgia. Then, Mr. President, I will not move at this time that the bill be taken up, but I shall move at the earliest opportunity to take it up. I think the Senator from Wyoming will have his objection to the bill almost entirely relieved. I do not think there will be any further objection from him. I hope there will not be.

Mr. SMOOT. There will be, unless there are some changes in it from day before yesterday.

Mr. SMITH of Georgia. It is since day before yesterday that the subject has been discussed with him. I hope he will not object further; but whether he does or not, I intend to press the bill after to-day at the first time possible.

THE CALENDAR.

Mr. SMOOT. I ask unanimous consent that the Senate proceed to the consideration of bills on the calendar to which there is no objection, beginning with Order of Business No. 493. I will state that that is where the Senate left off the last time the calendar was under consideration.

The PRESIDING OFFICER. Is there any objection?

Mr. SMITH of South Carolina. Mr. President, as I understand, the request is that we consider the unobjected bills?

Mr. SMOOT. Yes; beginning with Order of Business 493, where the Senate left off the last time the calendar was up for consideration.

The PRESIDING OFFICER. The Chair hears no objection. The Secretary will state the first bill on the calendar beginning at the point named.

CLAIMS OF PONCA TRIBE OF INDIANS.

The bill (S. 804) authorizing the Ponca Tribe of Indians, residing in the States of Oklahoma and Nebraska, to submit claims to the Court of Claims was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, after line 4, to insert: "Provided also, That the court shall hear and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said tribe of Indians"; in line 10, after the word "begun," to insert "within five years from the passage of this act"; in line 14, after the words "Ponca Tribe," to insert "employed under contract approved

by the Secretary of the Interior and the Commissioner of Indian Affairs as provided by existing law"; and in line 22, after the word "Indians," to insert "not to exceed 10 per cent of the amount of the judgment the court may render in favor of said Indians," so as to make the bill read:

Be it enacted, etc., That all claims of whatsoever nature, both legal and equitable, which the Ponca Tribe of Indians residing in the States of Oklahoma and Nebraska may have against the United States shall be submitted to the Court of Claims, with the right of appeal by either party to the Supreme Court of the United States for determination; and jurisdiction is hereby conferred upon the Court of Claims to hear and determine any and all such claims and to render final judgment thereon.

The Court of Claims shall advance the cause upon its docket for hearing, and shall have authority to determine and adjudge the rights, both legal and equitable, of the said Ponca Tribe and of the United States in the premises: *Provided also,* That the court shall hear and determine any legal or equitable defenses, set-offs, or counterclaims which the United States may have against the said tribe of Indians, notwithstanding lapse of time or statutes of limitation. The suit or suits instituted hereunder shall be begun within five years from the passage of this act by the Ponca Tribe of Indians as parties plaintiff and the United States as the party defendant. The petition or petitions may be verified by the attorney or attorneys employed by the Ponca Tribe, employed under contract approved by the Secretary of the Interior and the Commissioner of Indian Affairs as provided by existing law, upon information and belief as to the facts therein alleged, and no other verification shall be necessary: *Provided,* That upon the final determination of such suit or suits the Court of Claims shall have jurisdiction to decree the fees to be paid to the attorney or attorneys employed by the said Ponca Tribe of Indians, not to exceed 10 per cent of the amount of the judgment the court may render in favor of said Indians, and the same shall be paid out of any sum or sums found due said tribe.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (S. 1519) making appropriations for expenses incurred under the treaty of Washington was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3251) granting longevity pay from and including August 5, 1917, to certain officers and enlisted men was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3318) for the relief of Willis B. Cross was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 515) to correct the military record of Charles K. Bond, alias Kimball W. Rollins, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 8038) to amend section 4 of the act approved July 17, 1916, known as the Federal farm-loan act, extending its provisions to Porto Rico, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4076) to amend section 4404 of the Revised Statutes of the United States as amended by the act approved July 2, 1918, providing that the supervising inspectors of the Steamboat-Inspection Service be included under the classified civil service, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2903) to provide that robbery of a Federal reserve bank or a member bank shall constitute a felony, and for other purposes, was announced as next in order.

Mr. THOMAS. Let that go over.

The PRESIDING OFFICER (Mr. STERLING in the chair). The bill will be passed over.

The bill (H. R. 12266) to amend an act entitled "An act to provide for vocational rehabilitation and return to civil employment of disabled persons discharged from the military or naval forces of the United States, and for other purposes," approved June 27, 1918, as amended by the act of July 11, 1919, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2279) to authorize the addition of certain lands to the Humboldt National Forest was announced as next in order.

Mr. SMITH of South Carolina. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

RAILROAD LOANS.

The bill (S. 4373) to amend sections 207 and 210 of the transportation act, 1920, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That paragraphs (a) and (b) of section 207 and paragraphs (a), (b), and (c) of section 210 of the transportation act, 1920, approved February 28, 1920, are hereby amended so as to read as follows:

"SEC. 207. (a) As soon as practicable after the termination of Federal control the President shall ascertain (1) the amount of the indebtedness of each carrier to the United States which may exist at the termination of Federal control incurred for additions and betterments made during Federal control and properly chargeable to capital account; (2) the amount of indebtedness of such carrier to the United States otherwise incurred; and (3) the amount of indebtedness of the United States to such carrier arising out of Federal control. The amount under clause (3) may be set off against the amount under clause (2), so far as deemed wise by the President, but only to the extent permitted under any contract now or hereafter made between such carrier and the United States in respect to the matter of Federal control, or, where no such contract exists, to the extent permitted under paragraph (b) of section 7 of the standard contract between the United States and the carriers relative to deductions from compensation: *Provided*, That such set-off shall not be so exercised as to prevent such carrier from having the sums required for interest, taxes, and other corporate charges and expenses referred to in paragraph (b) of section 7 of such standard contract accruing during Federal control and also the sums required for dividends declared and paid during Federal control, including also, in addition, a sum equal to that proportion of such last dividend which the period between its payment and the termination of Federal control bears to the last regular dividend period: *And provided further*, That such right of set-off shall not be exercised unless there shall have first been paid sums, in addition, as may be necessary to provide the carrier with working capital in amount not less than one twenty-fourth of its operating expenses for the calendar year 1919.

"(b) The indebtedness of the carrier to the United States, incurred for additions and betterments made during Federal control and properly chargeable to capital account, shall, at the request of the carrier, be funded for a period of 10 years from the termination of Federal control, or a shorter period, at the option of the carrier, with interest at the rate of 6 per cent, payable semiannually, subject to the right of such carrier to pay on any interest payment day the whole or any part of such indebtedness. The funding of such indebtedness shall be in such form and upon such terms as the President may prescribe, for the reasonable assurance of the payment of the same to the United States.

"SEC. 210. (a) For the purpose of enabling carriers by railroad subject to the interstate commerce act properly to serve the public during the transition period immediately following the termination of Federal control, any such carrier may, at any time after the passage of this act, and before the expiration of two years after the termination of Federal control, make application to the commission for a loan from the United States to meet its maturing indebtedness, or to provide itself with equipment or other additions and betterments, setting forth the amount of the loan; the term for which it is desired; the purpose of the loan and the use to which it will be applied; the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard; the character and value of the security offered; and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts in detail as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for, and the ability of the applicant to make good the obligation as the commission may deem pertinent to the inquiry.

"(b) If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making, in whole or in part, of the proposed loan by the United States for one or more of the aforesaid purposes is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant, and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and to meet its other obligations in connection with such loan, the commission shall certify to the Secretary of the Treasury its findings of such facts; also the amount of the loan which is to be made; the time, not exceeding 15 years from the making thereof, within which it is to be repaid; the terms and conditions of the loan, including the security to be given for repayment; that the prospective earning power of the applicant, together with the character and value of the security offered, furnish, in the opinion of the commission, reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and reasonable protection to the United States; and that the applicant, in the opinion of the commission, is unable to provide itself with the funds necessary for the aforesaid purposes from other sources.

"(c) Upon receipt of such certificate from the commission, the Secretary of the Treasury shall immediately, or as soon as practicable, make a loan of the amount recommended in such certificate, out of any funds in the revolving fund provided for in this section, and accept the security prescribed therefor by the commission. All such loans shall bear interest at the rate of 6 per cent per annum, payable semiannually to the Secretary of the Treasury, and to be placed to the credit of said revolving fund. The form of obligation to be entered into shall be prescribed by the Secretary of the Treasury, but the time, not exceeding 15 years from the making thereof, within which such loan is to be repaid, the security which is to be taken therefor, and the terms and the conditions of the loan, shall be in accordance with the findings and the certificate of the commission."

Mr. UNDERWOOD. One of the sections of the bill has already been passed. I think the other section has been unanimously agreed to by the Committee on Interstate Commerce, and I see no reason why it should not be passed.

Mr. POINDEXTER. I understand that one section was incorporated in the sundry civil appropriation bill.

Mr. UNDERWOOD. I have just called the attention of the Senate to that fact.

Mr. POINDEXTER. I should think the appropriate thing to do would be to strike out that section.

Mr. UNDERWOOD. The Senator is probably right about that, as the sundry civil appropriation bill will undoubtedly pass. Therefore I ask that "section 210," the second part of the bill, be stricken out.

Mr. SMITH of South Carolina. If the Senator from Alabama will allow me, it will not complicate anything to allow it to pass just as it is, because final action has not been taken on the sundry civil appropriation bill.

Mr. UNDERWOOD. I agree with the Senator.

Mr. SMITH of South Carolina. I think we had better just let it pass.

Mr. UNDERWOOD. I withdraw the motion.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER.

The bill (H. R. 974) for the relief of W. T. Dingler was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 4184) for the relief of C. V. Hinkle was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 11984) to increase the force and salaries in the Patent Office, and for other purposes, was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

LANDS AT LOS ANGELES, CALIF.

The bill (H. R. 406) amending an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands with amendments, on page 2, line 15, after the word "maintaining," to insert the word "such"; on line 17, after the words "Los Angeles," to insert the words "as have been heretofore constructed"; on page 3, line 13, after the word "State" and the comma, to insert the words "or to any lands which may be found to have been illegally purchased from the United States by said city, or to any lands the title to which was on the 31st day of October, 1919, or is now forfeitable to the United States by force of any act of Congress"; on page 5, after the word "heard" and the comma, to strike out the words "and upon notice by the city within 90 days of such possible conflict"; on line 13, after the word "city," to insert the words "and for which application is filed by said city within 90 days of notice of the possibly conflicting application"; on line 20, after the word "way," to insert the words "including rights of way for roads"; on page 7, line 7, after the word "city," to insert the words "and the consideration and adjudication of such applications by the department having jurisdiction thereof shall be wholly upon the merits of such applications, unaffected by any possible conflict with the plans of said city"; and, on line 24, after the word "act," to insert the following additional proviso: "*And provided further*, That any approval of rights of way for reservoir purposes for the storage of water for use in whole or in part for the generation of electric power under the provisions of this act shall contain the express condition that such reservoirs shall not, without the consent of the parties having irrigation rights which would be affected by such storage, be used in such manner as will interfere with the use of such stored water for irrigation purposes unless provision shall be made by said city for secondary storage for such irrigation use," so as to make the bill read:

Be it enacted, etc., That section 1 of an act entitled "An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Calif., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timberland Reserve, Calif., to the city of Los Angeles, Calif.," approved June 30, 1906, be, and the same is hereby, amended to read as follows:

"SECTION 1. That there is hereby granted to the city of Los Angeles, Calif., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Mono, Inyo, Kern, and Los Angeles, State of California, and over and through the Inyo and Santa Barbara National Forests, and that portion of the Angeles National Forest situate and lying west of range 6 west, San Bernardino meridian, as established by the United States public land survey, and that portion of the Sequoia National Forest east of the crest of the Sierra Nevada Mountains, in said State, for the purpose of constructing, operating, and maintaining such canals, ditches, pipes and pipe lines,

flumes, tunnels, and conduits for conveying water to the city of Los Angeles as have been heretofore constructed, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water power and electric plants whenever said city shall have filed as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth: *Provided, however*, That the grant hereby made shall not apply to lands located in the drainage basin of Kern River or in that portion of Mono County lying north and west of the Owens River drainage basin, and embracing Mono Lake drainage basin and Adobe Valley and Black Lake drainage basin, or to lands located upon Bishop Creek or its branches in Inyo County, or to lands in the Fish Slough Reservoir site in the counties of Inyo and Mono, in said State, or to any lands which may be found to have been illegally purchased from the United States by said city, or to any lands the title to which was on the 31st day of October, 1919, or is now forfeitable to the United States by force of any act of Congress."

SEC. 2. That section 2 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 2. That on or before the 31st day of December, 1922, the city of Los Angeles shall file with the register of the United States land offices in the districts where the lands traversed by said rights of way are located a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act, and there shall also be filed within that time all desired changes of location, the amended map or maps necessary to show such changes of location to be filed in the same manner and subject to the same approval as are the original map or maps of location, but no construction work shall be commenced on any of said lands until the map or maps have been filed as herein provided and until said map or maps and the proposed plan of development have been approved by the Secretary of the Interior, and the approval by the Secretary of the Interior of any amended map or maps showing changes of location of said rights of way shall operate as an abandonment ipso facto by the city of Los Angeles, to the extent of such change or changes, of the rights of way indicated on the original map or maps: *Provided*, That any rights inuring to the city of Los Angeles under this act shall, on approval by the Secretary of the Interior of the map or maps and the plan of development referred to, relate back to the date of the filing of said map or maps with the register of the United States land office, as provided herein: *Provided*, That during the period allowed the city of Los Angeles, for filing maps or applications under this act, the head of the department having jurisdiction over the lands, may grant easements or permits for rights of way, under any act of Congress now in force or hereafter enacted, for pipes, pipe lines, canals, ditches, flumes, tunnels, or reservoirs for the conveyance, delivery, or storage of water for irrigation, mining, or domestic purposes, or for the generation of electric power, including rights of way for the construction of power plants, towers, transmission and distribution lines, for the generation and delivery of electricity, if after affording the city an opportunity to be heard, such head of department shall find that the easement or permit may be granted without destruction of or material interference with the works constructed or proposed to be constructed by the city and for which application is filed by said city within 90 days of notice of the possibly conflicting application: *Provided further*, That all rights of way herein and hereby granted and all other rights of way hereafter granted under general laws, for the purposes herein enumerated, over lands within the operation of this act, shall be with the reservation of the power to thereafter grant other rights of way, including rights of way for roads, by easement or permit, conflicting with such prior grants or permits for the purpose of permitting crossing of rights of way or for limited distances necessary common use of prior rights of way, under such conditions as the head of the department shall find necessary and shall determine to be properly protective against interference with and not detrimental to the construction, operation, and maintenance of the works of prior grantees or permittees."

SEC. 3. That section 3 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however*, That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant: *Provided*, That the lands affected hereby shall in accordance with existing law continue to be subject to applications for homesteads, for rights of way for canals, ditches, or reservoirs, for the conveyance, delivery, or storage of water for irrigation, if same be filed in the proper United States land office prior to the filing of maps by the city of Los Angeles, showing the boundaries, location, and extent of the rights of way sought by said city, and the consideration and adjudication of such applications by the department having jurisdiction thereof shall be wholly upon the merits of such applications, unaffected by any possible conflict with the plans of said city: *And provided further*, That the grant hereby made shall not apply to any lands or rights of way included in any application filed by, and thereafter approved to, any person or corporation for the development and transmission of hydroelectric power in connection with any project upon which actual construction work was being performed prior to June 30, 1906, on that portion of Owens River lying above the confluence of Rock Creek and said river, and locally known as Owens River Gorge, and upon which portion construction work may have been carried on continuously since that date: *Provided*, That such applications for rights of way over or the right to use lands shall be filed within six months from the date of the passage of this act: *And provided further*, That any approval of rights of way for reservoir purposes for the storage of water for use in whole or in part for the generation of electric power, under the provisions of this act,

shall contain the express condition that such reservoirs shall not, without the consent of the parties having irrigation rights which would be affected by such storage, be used in such manner as will interfere with the use of such stored water for irrigation purposes, unless provision shall be made by said city for secondary storage for such irrigation use."

SEC. 4. That section 5 of the act entitled and approved as aforesaid be, and the same is hereby, amended to read as follows:

"SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of, subject to such easements: *Provided, however*, That if the construction of said waterworks shall not have been begun in good faith within five years of the date of the approval of this act, then all rights hereunder shall be forfeited to the United States: *And provided further*, That if any power or electric works or structure to be used in connection therewith shall not be completed within five years after approval of the map or maps of rights of way for such works or structure as herein provided, or within such additional time as the Secretary of the Interior shall, in his discretion, grant, then such rights herein granted shall be forfeited as to any uncompleted portion of such works or structure, to the extent that the same is not completed at the date of the forfeiture."

SEC. 5. That said act entitled and approved as aforesaid be, and the same is hereby, amended by adding a new section thereto to read as follows:

"SEC. 8. That this act is a grant upon certain expressed conditions specifically set forth herein, and nothing herein contained shall be construed as affecting or intended to affect or in anywise to interfere with the laws of the State of California, relating to the control, appropriation, use, or distribution of water used in irrigation or for municipal or other uses, or any vested right acquired thereunder, and the Secretaries of the Interior and Agriculture, respectively, and the city of Los Angeles, in carrying out the provisions of this act, shall proceed in conformity with the laws of said State."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

BILLS PASSED OVER.

The bill (H. R. 644) for the relief of Oscar Smith was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 1799) for the relief of Thomas Darr was announced as next in order.

Mr. SMOOT. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. KENYON. Mr. President, I would like to inquire if Calendar No. 477 has been passed over.

Mr. SMOOT. I will say to the Senator that we began with No. 493, where we left off at the last call of the calendar.

Mr. NORRIS. I would like to make an inquiry. Calendar No. 545, in regard to the Patent Office, went over on objection. I want to inquire of the Senator from Utah [Mr. Smoot] whether he will object to the fixing of some time to take that bill up and dispose of it?

Mr. SMOOT. There are a number of Senators who asked me to request that the bill go over if it came up. As far as I am personally concerned, I shall be glad to agree on a time, but I do not believe it could be done to-day. I know of three Senators who asked just before leaving the Chamber that the bill should be passed over.

Mr. NORRIS. I would like to say that that bill ought to be disposed of before we take a recess. I am satisfied that no Senator will have any objection to it upon a fair consideration of it. If there are any amendments Senators want to make to it, or if there is anything in it which is wrong, there will be no objection to changing it. I am going to move some time before the recess is taken, if I can, when there is no appropriation bill or conference report before the Senate, to take up that bill. It is very important that it should be disposed of. I do not believe there is any valid objection to anything in it.

Mr. KENYON. Mr. President, I want to say, as to No. 477, that it is a bill which should be disposed of. I do not believe there will be very much objection to it. It is a bill to establish in the Department of Labor a bureau to be known as the women's bureau, and I am going to ask the Senate to take that up before we adjourn.

There is another bill which has been passed, where there is a motion to reconsider, known as the Nolan-Johnson minimum-wage bill. The Senator from Colorado [Mr. Thomas] moved a reconsideration of that bill. I would like to ask him if it would be agreeable to him to take it up to-morrow?

Mr. THOMAS. Mr. President, as I informed the Senator privately a few moments ago, I shall not object to its being taken up at any time. While I filed the motion, I filed it more as a representative of other Senators on this side of the Chamber than on my own account, although I have been informed since it was filed of some features of the bill which should not be on the statute books. But I do not propose to obstruct in any way the consideration of it.

Mr. KENYON. I think it should be disposed of.

Mr. THOMAS. As far as I have anything to do with it, the Senator can have it disposed of at any time, with my consent. I reserve the right, of course, to call for a quorum, so that Senators interested in the bill may be present.

Mr. McCORMICK. May I ask the Senator from Iowa if he will not call up one or the other of those bills at this time?

Mr. KENYON. I should be glad to do so.

Mr. UNDERWOOD. I shall object until the calendar is finished, because we have undertaken to go through the calendar, and I think it is proper that we should finish it.

Mr. KENYON. When the calendar is finished I shall move to take up Calendar No. 477, the bill (H. R. 13229) to establish in the Department of Labor a bureau to be known as the women's bureau.

Mr. SMOOT. I will say to the Senator that I think it was tentatively understood by all that we were only going to consider to-night bills on the calendar to which there was no objection.

Mr. McCORMICK. I do not believe there was any other agreement than that we should go through the unobjected bills on the calendar. If we finish them before 5 o'clock, I think it is entirely proper that we should proceed to some other business.

Mr. THOMAS. I think the Senator should bear in mind the fact that the Senator from Massachusetts [Mr. LODGE] has given notice that to-morrow at 1 o'clock he would call up the Armenian resolution.

Mr. KENYON. I will keep that in mind.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House further insists upon its disagreement to the amendment of the Senate numbered 93 to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAUGEN, Mr. McLAUGHLIN of Michigan, and Mr. LEE of Georgia managers at the further conference on the part of the House.

The message also announced that the President of the United States having returned to the House of Representatives, in which it originated, the resolution (H. J. Res. 327) entitled "Joint resolution repealing the joint resolution of April 6, 1917, declaring that a state of war exists between the United States and Germany, and the joint resolution of December 7, 1917, declaring that a state of war exists between the United States and the Austro-Hungarian Government," with his objections thereto, the House proceeded in pursuant to the Constitution to reconsider the same; and,

Resolved, That the resolution do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

AGRICULTURAL APPROPRIATIONS—CONFERENCE REPORT.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives further insisting upon its disagreement to the amendment of the Senate numbered 93 to the bill (H. R. 12272) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1921, and agreeing to the further conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. NORRIS. The House has had another vote since we have voted here, and it is quite evident that the House is not going to recede on the so-called free-seed amendment. I regret very much to say this, but it is quite evident now that the Senate must recede from its amendment and permit free seeds to go into the bill or have no agricultural appropriation bill, and thus tie up one of the great departments of the Government.

Mr. SMOOT. Did the House have a vote upon the amended proposition?

Mr. NORRIS and Mr. SMITH of South Carolina. Yes.

Mr. SMOOT. And turned it down?

Mr. NORRIS. Yes. The House voted on the compromise amendment that we submitted to them and voted it down by a large majority. They have refused to make any compromise on the free-seed proposition, so I presume we either have to have free seeds or no Agricultural Department. Realizing that as I do, I feel it to be my duty now, as one of the conferees on the part of the Senate, to move that the Senate recede from its amendment numbered 93.

Mr. THOMAS. Mr. President, if that motion is to be considered now, I shall be compelled to suggest the absence of a quorum, because I know of Senators now absent who wish to be heard on the question.

Mr. NORRIS. Let me say to the Senator from Colorado that, as the Senator knows and as I think the Record shows

the action of the conferees, there is no one here more opposed to the free-seed provision than I am.

Mr. THOMAS. I am aware of that.

Mr. NORRIS. But I do not feel as though I ought to jeopardize the appropriations for the department in order to keep out what I believe ought to go out. I think it is demonstrated now from the Record that the House will do that and that the bill will fail unless the Senate does recede. If the Senator is going to take the action which he proposes to take, I, of course, would withdraw my motion, because I realize that we probably would not be able to get a quorum this evening, and I shall renew the motion to-morrow.

Mr. THOMAS. The House as well as the Senate has considered what a failure to agree means. If the Agricultural Department is jeopardized, let the blame be placed where it belongs. I am getting rather weary of being compelled, and especially during the closing hours of a session of Congress, to yield vital points on these great bills to the House because, unless we surrender, the appropriations will fail and the departments be jeopardized. Just as long as the House knows that the Senate will ultimately yield under the circumstances, just so long will such abuses as this old seed abuse, that is hoary with age and claims to be sanctified by time, be continued upon this bill.

We yielded on vital propositions upon the military bill for the same reason—that the bill would fail if we did not do so. If the position of the House is that it must have all these disputed amendments or the bill will fail, I am in favor of giving them second choice. We will have to do it sooner or later on some of these measures, or the situation which now presents itself will be repeated ad nauseum. The Agricultural Department is of vast importance, so vast, indeed, that I think this will be a good place to test the endurance of the House and determine whether the Senate is the body which will always yield or whether some of the things which the House insists upon shall not be granted.

The PRESIDING OFFICER. The Chair understands that the Senator from Nebraska withdraws his motion.

Mr. NORRIS. If the Senator from Colorado intends to take the course suggested by him, I withdraw my motion.

Mr. THOMAS. I have promised Senators in this and in other matters in which they were interested that if they came up during their absence, I would follow this course.

Mr. NORRIS. Then I withdraw the motion.

CAROLYN WHEELER KOBBE.

The bill (H. R. 1827) for the relief of Carolyn Wheeler Kobbe was announced as next in order on the calendar, and was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Carolyn Wheeler Kobbe, widow of Gustav Kobbe, who was killed as the result of an accident caused by a United States Navy seaplane, the sum of \$2,500.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY A. PARSONS ET AL.

The bill (H. R. 4927) for the relief of Nancy A. Parsons, C. M. Parsons, D. F. Staggs, Ollie Staggs, Roas Staggs, Lena Birchfield, Alice Birchfield, Bertie Gwin, Greely Gilbert, Linville Gilbert, and Nelson Gilbert was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,975 in the following proportions: To Nancy A. Parsons, one-half; to C. M. Parsons, one-sixth; to D. F. Staggs, one-sixth; to Ollie Staggs, one forty-eighth; to Roas Staggs, one forty-eighth; to Lena Birchfield, one forty-eighth; to Alice Birchfield, one forty-eighth; to Bertie Gwin, one forty-eighth; to Greely Gilbert, one forty-eighth; to Linville Gilbert, one forty-eighth; to Nelson Gilbert, one forty-eighth; said sum being the value ascertained on said date by condemnation proceedings in the district court of the United States for the northern district of Alabama, in which the United States was plaintiff and said persons were defendants, as the damages sustained by said persons to lands owned by them jointly in said proportions by the construction by the United States of certain works for the improvement of navigation on the Black Warrior River.

Mr. UNDERWOOD. Mr. President, I desire to make a short statement in explanation of this bill.

Some years ago the Government condemned certain lands along the Warrior River in Alabama for the purpose of building Dam No. 17. The dam has since been built and the land is overflowed with water. The Government proceeded with its condemnation against these lands, and the finding of the District Court of the Northern District of Alabama was for the amount that is carried in the bill to pay the claimants for the land, they having been driven off their small farms or homes by the Government thus overflowing the land. The land

is now under water, and the district court found that the amount named in the bill is just compensation. Therefore I think this very meritorious bill ought to be passed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. ADAMS.

The bill (H. R. 5807) for the relief of John T. Adams was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem, in favor of John T. Adams, of Frankton, Ind., United States coupon bonds of the 3 per cent loan of 1908 to 1918 (Nos. 43361 and 50623 for \$500 each), with interest from November 1, 1910, the said bonds, with coupons attached, dated February 1, 1911, to maturity of the loan, inclusive, having been stolen: *Provided,* That the said John T. Adams shall first file in the Treasury Department a bond in the penal sum of double the amount of the principal and the unpaid interest coupons of the said bonds, in such form and with such surety as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the stolen bonds hereinbefore described or the coupons belonging thereto.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDWARD A. PURDY.

The bill (H. R. 9583) for the relief of Edward A. Purdy, postmaster of the city of Minneapolis, Minn., for postage stamps, postal-savings stamps, war-savings stamps, war-tax revenue stamps, and cash from money orders stolen from the branch post office at Minneapolis, Minn., commonly known and described as the traffic station, and located at Nos. 621 and 623 First Avenue north, in said city, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit Edward A. Purdy, as postmaster of the said city, in the sum of \$13,861.24, said sum being the amount of certain postage stamps, postal-savings stamps, war-savings stamps, war-tax revenue stamps, and cash, from the money-order funds taken and stolen by unknown burglars, on or about 4 o'clock in the morning of the 23d day of October, 1918, from one of the branch post offices of the said city of Minneapolis, to wit: That certain branch post office located at Nos. 621 and 623 First Avenue north, in said city, and commonly known and described as the traffic station; and that the said Edward A. Purdy be, and he is hereby, released from payment to the Treasury of the United States of the said sum of \$13,861.24 and every part thereof as such postmaster, and that his account in connection with the aforesaid traffic station branch post office be credited with the said amount of \$13,861.24 by reason of the aforesaid loss caused by the said burglars.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARVEY R. BUTCHER.

The bill (H. R. 10115) for the relief of Harvey R. Butcher was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. SPENCER. I wonder if the Senator from Utah will not allow this bill to be considered when he has some information about it. It is for the relief of a young man who, through no fault of his own, incurred this loss. It is recommended both by the War Department and by the board of officers.

This young man was in the Quartermaster's Department and handled \$1,510,000 in the emergency, and there was a discrepancy of about \$2,000 which never could be accounted for. A board of officers was appointed and exonerated him, and the Secretary of War recommended that the allowance be credited upon the books. This is for his relief. It is a perfectly fair bill, and the committee felt that it was entitled to favorable action.

I wonder if, under that statement, the Senator from Utah will let us consider the bill?

Mr. SMOOT. Mr. President, I have been trying to read the report through, but it is a long report. However, if the facts are as the Senator states them, I have no objection to it. There are so many of these claims made that we ought to go into them pretty carefully.

Mr. SPENCER. I may say to the Senator that Acting Secretary of War Crowley stated in reference to this matter that the discrepancy evidently—

Occurred through this officer's inability to give personal supervision to every transaction in his office under the large amount of work required by his office during the demobilization of the Army.

It is believed that this bill is meritorious and should be passed.

Mr. SMOOT. I withdraw my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Harvey R. Butcher, out of any money in the Treasury not otherwise appropriated, the sum of \$1,770.33 to reimburse him for moneys paid out of his personal funds in settlement of a shortage in his accounts while acting as disbursing

officer, Quartermaster Corps, United States Army, at Camp Funston, the said shortage not being due to any negligence or default on his part.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BLANCHE UTLEY.

The bill (H. R. 10317) for the relief of Blanche Utley was considered as in Committee of the Whole and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the legal guardian of the estate of Blanche Utley, a minor, of Fort Worth, Tarrant County, Tex., the sum of \$5,000 in full compensation for injuries sustained by the said Blanche Utley due to an aeroplane owned by the United States Government while engaged in practice flying in Tarrant County, Tex., striking a barbed-wire fence near an automobile standing in a public road and in which said Blanche Utley was sitting, knocking said barbed wire loose from said fence and against the said occupant, Blanche Utley, of said automobile in such a manner and way as to injure and cut the said Blanche Utley, on the 20th day of June, A. D. 1918.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM CASEY.

The resolution (S. Res. 367) referring to the Court of Claims the bill (S. 4384) for the relief of William Casey was considered by unanimous consent and agreed to, as follows:

Resolved, That the claim of William Casey (S. 4384), now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

PAWNEE TRIBE OF INDIANS OF OKLAHOMA.

The resolution (S. Res. 368) referring to the Court of Claims the bill (S. 4375) for the relief of the Pawnee Tribe of Indians of Oklahoma was considered by unanimous consent and agreed to, as follows:

Resolved, That the bill S. 4375, entitled "A bill for the relief of the Pawnee Tribe of Indians of Oklahoma," now pending in the Senate, together with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims, in pursuance of the provisions of an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911; and the said court shall proceed with the same in accordance with the provisions of such act and report to the Senate in accordance therewith.

NAVAL ACADEMY AGE LIMIT.

The bill (S. 3969) to authorize the Secretary of the Navy to waive the age limit for admission to the United States Naval Academy was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment in line 4, after the word "limit," to strike out the words "to the extent of from 30 to 60 days" and to insert "not exceeding 60 days," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to waive the age limit, not exceeding 60 days, of any midshipman compelled to resign from the Naval Academy on account of deficiencies in studies, who desires to be reappointed, and who is over the age limit to be reappointed in the regular way: *Provided,* That such waiver shall be made only in cases of midshipmen whose conduct and academic records shall entitle them to such consideration.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL RESERVE FORCE.

The bill (S. 4361) to provide for the relief of certain officers of the Naval Reserve Force, and for other purposes, was considered as in Committee of the Whole. The bill was read as follows:

Be it enacted, etc., That officers of the Naval Reserve Force or the Marine Corps Reserve who have heretofore been, or may hereafter be, disenrolled from said service or have heretofore been, or may hereafter be, released from active duty therein, shall receive mileage at the same rate as authorized for officers of the Regular Navy for the distance involved in travel in the United States from the place where disenrolled or released from active duty to their homes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE E. PAYNE.

The bill (H. R. 3212) for the relief of legal representative of George E. Payne, deceased, was considered as in Committee of the Whole. The bill was read as follows:

Be it enacted, etc., That the claim of the legal representative of George E. Payne, deceased, of New Orleans, La., for personal property taken by United States officers, and for the crop of sugar sold by the sequestration commissioners, and the net proceeds transferred by them to the Quartermaster's Department and used for public good, and for the use and occupancy of the plantation of said deceased, taken by

United States Army officers and turned over to the United States Treasury agent, and by said agent leased to William Spear for the year 1864, and for the use and occupancy by the Freedmen's Bureau for the year 1865, be, and the same is hereby, referred to the Court of Claims of the United States for adjudication, at the fair and reasonable rental and the value of the property taken and used as aforesaid, on the competent evidence heretofore presented and that may be adduced, any statute of limitations to the contrary notwithstanding: *Provided, however*, That it be shown to the satisfaction of the court that said George E. Payne did not give any aid or comfort to the late Civil War, but was throughout the war loyal to the Government of the United States.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUSTER STATE PARK GAME SANCTUARY, S. DAK.

The bill (H. R. 11398) for the creation of the Custer State Park Game Sanctuary, in the State of South Dakota, and for other purposes, was considered as in Committee of the Whole.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate as the Custer State Park Game Sanctuary such areas, not exceeding 30,000 acres, of the Harney National Forest, and adjoining or in the vicinity of the Custer State Park, in the State of South Dakota, as should, in his opinion, be set aside for the protection of game animals and birds and be recognized as a breeding place therefor.

SEC. 2. That when such areas have been designated as provided for in section 1 of this act, hunting, trapping, killing, or capturing of game animals and birds upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding \$1,000, or be imprisoned for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals and birds which may be thereon, and not to interfere with the operation of the local game laws as affecting private or State lands.

SEC. 4. That the State of South Dakota is hereby authorized and permitted to erect and maintain a good substantial fence, inclosing in whole or in part such areas as may be designated and set aside by the President under the authority of section 1. The State shall erect and maintain such gates in this fence as may be required by the authorized agents of the Federal Government in administering this game sanctuary and the adjoining national forest lands, and may erect and maintain such additional inclosures as may be agreed upon with the Secretary of Agriculture. The right of the State to maintain this fence shall continue so long as the area designated by the President as a game sanctuary is also given similar protection by the laws of the State of South Dakota.

SEC. 5. That upon recommendation of the Secretary of Agriculture, the Secretary of the Interior may patent to the State of South Dakota not to exceed 1,600 acres of nonmineral national forest lands not otherwise appropriated or withdrawn within the areas set aside by the President under the authority of section 1: *Provided*, That the State of South Dakota conveys to the Government good and sufficient title to other lands of equal value owned by the State and lying within the exterior boundaries of a national forest in the State of South Dakota and approved by the Secretary of Agriculture as equally desirable for national forest purposes, the lands thus conveyed to the Government to become a part of the national forest: *Provided, however*, That this authority shall not operate to restrict any selection rights which the State may have or may be hereafter granted, excepting as to the specific lands conveyed to the Government under authority of this act.

Mr. WADSWORTH. I should like to ask a question of the Senator from Connecticut [Mr. McLEAN], who reported the bill. Apparently this bill does not call for an appropriation. Would it lead to one?

Mr. STERLING. Perhaps I can answer the question, as it relates to my State. It does not call for a Federal appropriation. Whatever expense may be involved will be borne by the State.

Mr. WADSWORTH. Is the park to be patrolled by Federal agents?

Mr. STERLING. It is to be patrolled by Federal agents and by State agents. There is to be cooperation between the State and Federal Government in this game preserve and in the protection of wild animals.

Mr. WADSWORTH. Has the Federal Government a reservation near by at which patrolmen are employed?

Mr. STERLING. The proposed game sanctuary is to be designated from the Harney National Forest, as it is called. The State has a park called the Custer State Park adjoining the Harney National Forest. The object is to set aside certain portions of the Harney National Forest, around which fences are to be erected, for the protection of game.

Mr. WARREN. It is expected to be taken care of by the State, as I understand?

Mr. STERLING. Certainly; the area designated by the President under the terms of the bill will be taken care of by the State. The State is to build the fences and take care of the preserve.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

W. R. GRACE & CO.

The bill (S. 3743) for the relief of W. R. Grace & Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 6, after the words "sum of," to strike out "\$268.36" and to insert "\$263.73," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to W. R. Grace & Co., of 7 Hanover Square, New York City, the sum of \$263.73, the amount which said W. R. Grace & Co. paid as customs duty on 180 bales of caraway seed, which was imported on May 15, 1918, the entry on which was liquidated on August 10, 1918, and which was reported for exportation by the Department of Agriculture on November 13, 1918, after the expiration of the 30-day period provided by law for the filing of protests after liquidation of entry.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

GRAZING LANDS IN ALASKA.

The bill (S. 2791) to provide for the leasing of public lands in Alaska for stock breeding and for other purposes was announced as next in order.

Mr. THOMAS. I shall have to ask that that bill go over, Mr. President.

The VICE PRESIDENT. Being objected to, the bill will go over.

Mr. THOMAS subsequently said: Mr. President, from what the Senator from Utah [Mr. SMOOT] tells me regarding Senate bill 2791, I withdraw my objection to the consideration of the bill.

Mr. SMOOT. I ask that the bill be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands with an amendment to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized, in his discretion, and under such general regulations as he may adopt, to lease, for stock-grazing purposes unappropriated public lands, either surveyed or unsurveyed, in the Territory of Alaska, not adapted to ordinary agricultural uses, but chiefly valuable for pasturage, in area not to exceed in the aggregate 10,240 acres to any one lessor, for such periods of time as may be agreed upon, but in no case to exceed 25 years, and for such annual rental as may be fixed by agreement, subject to revision at stated periods: *Provided*, That all leases granted hereunder shall expressly reserve the right of citizens of the United States to enter upon, explore, and work the leased lands for the minerals therein, and acquire title thereto under the mining laws.

SEC. 2. That on the termination of a lease, after due compliance with the terms thereof, the lessor shall have a preferred right to purchase for cash, on the payment of the appraised value thereof, the land on which his principal improvements are situated; the area so taken not to exceed 640 acres: *Provided*, That if the lessee shall not exercise such right of purchase all improvements on the leased land shall be and remain the property of the United States.

SEC. 3. That the Secretary of the Interior is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this act into full force and effect.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill to provide for the leasing of public lands in Alaska for grazing purposes."

GEORGE F. RAMSEY.

The bill (S. 4326) for the relief of George F. Ramsey was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the sum of \$15,561.23 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and paid to George F. Ramsey, levee contractor, of which \$13,602.27 is for himself and \$1,958.96 is for the use and benefit of W. H. Dennison, his subcontractor, being the aggregate losses incurred by said George F. Ramsey and his subcontractors in the carrying out of certain contracts referred to in a Senate resolution of June 19, 1919, under which the Secretary of War was directed to report the amount of losses incurred by the contractors upon contracts mentioned in said resolution: *Provided*, That before paying said sums the Secretary of the Treasury shall require satisfactory evidence that said contract has been completed and that there are no other subcontractors who claim loss for work in connection with said contract.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

H. B. BANKS.

The bill (S. 4327) for the relief of H. B. Banks was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the sum of \$123,569.03 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and paid to H. B. Banks, levee contractor, of which \$40,720.95 is for the use and benefit of his subcontractors, Roach, Stansell, Lowrance Bros. & Co., and \$82,848.08 is for the use and benefit of his subcontractor, George F. Ramsey, being the aggregate losses incurred by said subcontractors in the carrying out of certain contracts referred to in a Senate resolution of June 19, 1919, under which the Secretary of War was directed to report the amount of losses incurred by the contractors upon contract mentioned in said resolution: *Provided*, That the Secretary of the Treasury, before paying said sums, shall require evidence satisfactory to him that said contracts have been completed, and that there are no other subcontractors who claim loss for work in connection therewith.

Mr. SMOOT. Mr. President, I should like to ask the Senator from Tennessee [Mr. McKellar] if examination has been made by any agency of the Government showing the amount of the loss to be as reported in the committee amendment?

Mr. McKellar. Yes. Under date of June 9 last the Commerce Committee passed a resolution instructing the Secretary of War, who in this case acted through the Chief of Engineers, to examine and report the amount of the losses sustained. That was done, and the figures in the amendment are those reported by the engineers. As the Senator will notice, the loss was caused by reason of the fact that the Government practically prevented the employment of labor because they themselves used all the available labor in that locality in connection with work upon nitrate plants, powder plants, and aviation fields. The figures have been gone into very carefully, and those contained in the amendment are the exact figures reported by the War Department.

Mr. SMOOT. The contracts were made with the Government?

Mr. McKellar. Yes; they were made with the Government.

Mr. NELSON. Mr. President, if the Senator will yield to me for a moment, I desire to say that the last river and harbor bill contained a provision for the allowance of claims of this kind on account of the war.

Mr. SMOOT. I recall that provision.

Mr. NELSON. The contracts involved in this bill relates to levee construction?

Mr. McKellar. Yes.

Mr. NELSON. The officials of the War Department were authorized to audit such claims, and, as I understand, have passed upon the claims, and the amounts in the bills reported from the Committee on Claims are those recommended by the department.

Mr. McKellar. That is true.

Mr. NELSON. The amounts contained in the bills are exactly the amounts which have been reported by the War Department.

Mr. McKellar. That, as I understand, is correct.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ROACH, STANSELL, LOWRANCE BROS. & CO.

The bill (S. 4328) for the relief of Roach, Stansell, Lowrance Bros. & Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and insert:

That the sum of \$204,307.98 be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, and paid to Roach, Stansell, Lowrance Bros. & Co., of which \$150,110.07 is for themselves, and \$14,953.84 is for the use and benefit of their subcontractors, L. Lowrance & Bros.; \$5,376 is for the use and benefit of their subcontractor, George F. Ramsey, and \$15,822.82 is for the use and benefit of their subcontractor, Rodgers Construction Co., and \$18,045.25 is for the use and benefit of their subcontractors, H. N. Rodgers & Bro., being the aggregate losses incurred by said Roach, Stansell, Lowrance Bros. & Co. and their subcontractors in the carrying out of certain contracts referred to in a Senate resolution of June 19, 1919, under which the Secretary of War was directed to report the amount of losses incurred by the contractors upon contracts mentioned in said resolution: *Provided*, That before paying said sums the Secretary of the Treasury shall require satisfactory evidence that said contracts have been completed, and that there are no other subcontractors who claim loss for work in connection with said contracts.

The amendment was agreed to.

The bill was then reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

FRANCIS NICHOLSON.

The bill (S. 1313) for the relief of Francis Nicholson was announced as next in order.

Mr. THOMAS. I ask that that bill go over.

Mr. PHELAN. I hope the Senator will not object to the consideration of that bill. It is a very meritorious case.

Mr. THOMAS. If the Senator is interested in it, I will withdraw my objection.

Mr. SMOOT. I should like to have the Senator from California give some explanation of the bill.

Mr. PHELAN. Mr. President, I quote from the report on the bill, as follows:

It is shown from the records that Francis Nicholson, 1269 Stanyan Street, San Francisco, at the age of 13, sustained personal injuries from the discharge of evening gun at the Presidio, San Francisco, October 4, 1916.

I may state he was on the public highway when he received the injury.

The young man was attended by four doctors, lost one eye, and received a concussion of the brain. He was severely burned about the face and body. He is disfigured for life and partly disabled.

The Secretary of War ordered an investigation, and I have here [exhibiting] the whole proceedings of the court. The investigation continued for a period of over a year and a half. The Secretary of War concludes his report with this recommendation:

In view of all the circumstances of the case a board of officers which investigated the matter recommend \$20,000 damages be paid for the injury sustained by the boy. The commanding general Western Department recommends approval, and I concur.

NEWTON D. BAKER,
Secretary of War.

The committee cut that down arbitrarily to \$10,000. I am perfectly familiar with the case. It is entirely meritorious. This young man's life has been ruined. Any private employer would have compensated him in the whole amount. I should say that \$20,000 for a ruined life was not excessive; but the committee has seen fit to recommend the appropriation of \$10,000, and I think the Senate should approve it.

Mr. SMOOT. Mr. President, this afternoon we passed a bill giving the widow of a man who was killed by the Government of the United States \$2,500. We passed another bill giving a widow \$5,000 for the death of her husband. Here we have a bill appropriating \$10,000 for the injury of a boy reported by the Military Affairs Committee.

Mr. THOMAS. The Claims Committee.

Mr. SMOOT. Oh, no.

Mr. PHELAN. It comes from the Claims Committee.

Mr. SMOOT. My copy of the bill says that it was read twice and referred to the Committee on Military Affairs. I think I shall ask that it go over to-day.

Mr. PHELAN. Mr. President, let me ask the Senator whether the damage to a boy 13 years of age, who survived, is not greater than that to a widow whose husband is killed. No adequate reparation can be made for that; but this boy is compelled to live, and it seems to me that \$10,000 is very poor recompense for the fact that the United States Government, through the carelessness of its agents, has blown out his eyes and otherwise damaged him.

Mr. SMOOT. I want to read the report. I ask that the bill go over to-day.

The VICE PRESIDENT. The bill will be passed over.

JOHN B. ELLIOTT.

The bill (S. 4250) for the relief of John B. Elliott was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John B. Elliott, whose position as collector of customs of collection district No. 27 (formerly known as the district of southern California), was inadvertently abolished under the provisions of the Executive order of February 2, 1920, the salary he would have received as collector of customs of the newly created district No. 27 (known as the district of Los Angeles) from February 2, 1920, to April 5, 1920, inclusive, had not his position been so abolished.

SEC. 2. That for the above purpose there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$888.89.

Mr. PHELAN. Mr. President, this is merely a perfunctory matter. The President, by an Executive order, created a new customs district at San Diego, and in doing so he eliminated the more important customs district at Los Angeles, and the Auditor of the Treasury said that the man had been legislated out of his salary. He continued to serve for two months, and this is a bill to provide for the payment of two months' salary for services rendered the United States in due course. It was a mere accident on the part of the department that he was dis-

placed, and the report so shows. It is perfunctory. It is not a debatable question at all.

Mr. THOMAS. Mr. President, if the Senator can assure me that the Treasury Department will never repeat that mistake I will not make any objection.

Mr. PHELAN. I will give the Senator any assurance he desires.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LOAN OF TENTS AND COTS.

The joint resolution (H. J. Res. 336) authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 cots and blankets for the use of Confederate veterans at the reunion of said camp June 24 to 27, inclusive, 1920, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on Military Affairs with amendments, on page 1, line 8, after the word "hundred," to insert "tents and," and in line 9, after the word "cots," to strike out "blankets," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, in his discretion, to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., in their encampment to be held at Hodgkins Springs, near Fort Worth, Tex., from June 24 to June 27, inclusive, 1920, 100 tents and cots: *Provided*, That no expense shall be caused the United States Government by the delivery and return of said property, the same to be delivered to the commander of said Albert Sidney Johnston Camp at such time prior to the holding of said encampment as may be agreed upon by the Secretary of War and the commander of said camp: *Provided further*, That the Secretary of War, before delivering said cots and blankets, shall take from the commander of said camp a good and sufficient security for the safe return of said property in good order and condition, and the whole to be without expense to the United States Government.

The amendments were agreed to.

Mr. WARREN. Mr. President, I understand that the bill as amended simply covers cots and tents?

Mr. SHEPPARD. Cots and tents only. The words "and blankets" are stricken out.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time and passed.

The title was amended so as to read: "Joint resolution authorizing the Secretary of War to loan to the Albert Sidney Johnston Camp, United Confederate Veterans, No. 1820, Fort Worth, Tex., 100 tents and cots for the use of Confederate veterans at the reunion of said camp June 24 to 27, inclusive, 1920."

OREGON & CALIFORNIA RAILROAD CO., ETC.

Mr. CHAMBERLAIN. Mr. President, this morning the Senator from Utah [Mr. SMOOT] called up a bill which had heretofore passed the Senate, and the same bill has passed the House. The one which passed the House and came to the Senate was referred to the Committee on Public Lands. I ask that the Committee on Public Lands be discharged from the further consideration of the bill, and that the House bill be taken up and disposed of.

The VICE PRESIDENT. Now?

Mr. CHAMBERLAIN. Yes, sir. The same bill has passed both bodies, but, like Mahomet's coffin, it is hung up between the two bodies now. I ask that the Committee on Public Lands of the Senate be discharged from the further consideration of the House bill, and that the House bill be taken up and disposed of now. That would restore the House bill, as I understand, to the Senate.

Mr. SMOOT. Mr. President, I do not like to have the Senator move that the Public Lands Committee of the Senate be discharged from the further consideration of the bill. In fact, I knew nothing about it until I received a letter this morning from Congressman SINNOTT, and I had not had the letter in my possession one hour before I asked for the consideration of the bill and stated the facts in the case. I prefer that the Senator should allow me to report the bill back to the Senate to-morrow and get the consent of the Senate to have it acted upon.

Mr. CHAMBERLAIN. I can assure the Senator that the bills are exactly the same.

Mr. SMOOT. I so stated this morning when there was objection to it.

Mr. CHAMBERLAIN. The Senator says he does not know anything about the bill. It is exactly the same bill that the Senator reported out of the Public Lands Committee.

Mr. SMOOT. The Senator is mistaken.

Mr. CHAMBERLAIN. Well, I am not going to insist upon it. If the Senator does not want the very thing that he asked for this morning, and now objects to it, I withdraw my request.

Mr. SMOOT. I am not objecting to that at all.

Mr. CHAMBERLAIN. That is what it amounts to.

Mr. SMOOT. Another thing I want to say is that I did not say that I knew nothing about the bill.

Mr. CHAMBERLAIN. I have withdrawn my request.

Mr. SMOOT. I said that I did not know anything about the bill passing the House until I received the letter this morning.

Mr. CHAMBERLAIN. I was not here this morning. I understood that the Senator brought up this very matter, and that the Senator from Alabama [Mr. UNDERWOOD], not knowing anything about it, practically requested that the matter go over. Now I have taken up the same matter, the Senator from Alabama assures me that he has no objection to it, and the Senator who brought it up this morning now practically objects. I have withdrawn my request.

Mr. SMOOT. I object to having a motion made to discharge the Committee on Public Lands from the further consideration of the bill. That looks like a reflection upon the Public Lands Committee. That is the only reason.

Mr. UNDERWOOD. Mr. President, I wish the Senator would allow me to make a statement.

This morning, when this bill came up, the unfinished business had not been disposed of and we were not in the morning hour. The bill came up in a rather unusual way, because it was not on the calendar and had not been reported. The Senator from Utah did state that a similar bill had been reported and passed by the Senate, but I desired to find out the situation. I want to say that I think when the calendar is up and Senators are on notice that we are passing bills of this character, it is an opportune time to pass them, when everybody has a chance; but except in unusual cases I do not favor, as far as I am individually concerned, the consideration of bills that require real consideration, matters of moment, at unusual times. That was my reason for asking the Senator to let it go over.

Mr. SMOOT. If the Senator from Oregon will ask unanimous consent for the consideration of this bill, I shall not object; but I do object to having it appear on the record that it required a motion upon the part of any Senator to discharge the Committee on Public Lands from the consideration of any bill.

Mr. CHAMBERLAIN. Mr. President, the Senator is super-sensitive. That motion is made here time and time and time again. The Senator himself has made it in my hearing and in my presence more than once, and the Senator knows that absolutely no disrespect was intended to his committee. It was simply a question of following the proper parliamentary procedure to get the bill before the Senate; that was all.

Mr. SMOOT. If the Senator asks unanimous consent for it, I shall not have any objection.

Mr. CHAMBERLAIN. I will follow the Senator's advice and suggestion and ask unanimous consent that the bill may now be considered. I may say, further, that the bill has reference only to an Oregon matter. It is local in its significance and follows the language of a former bill which passed this Congress.

The VICE PRESIDENT. But it is in the hands of the Committee on Public Lands; that is the trouble.

Mr. CHAMBERLAIN. That is the very reason why I made the motion. The Senator from Utah seemed sensitive about it, and I assured him that I had no intention of referring slightly to his committee. I was simply following the usual rule.

Mr. SMOOT. Mr. President, I knew nothing about the bill until this morning. As I say, I had not had the letter one hour before I asked for unanimous consent and it was objected to. I am perfectly willing for the Senator to ask unanimous consent that the committee be discharged rather than having it done by vote, and then we can consider the bill.

The VICE PRESIDENT. Is there any objection to the request for unanimous consent that the Committee on Public Lands be discharged from the further consideration of the bill? The Chair hears none, and the committee is discharged. Is there objection to the present consideration of the House bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 9392) regulating the disposition of lands formerly embraced in the grants to the Oregon & California Railroad Co. and Coos Bay Wagon Road Co.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAPT. EDWARD T. HARTMANN.

The bill (S. 2929) for the relief of Capt. Edward T. Hartmann, United States Army, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims, with amendments, on page 1, line 4, after the word "Hartmann," to strike out "United States Army, the sum of \$272.50, which sum," and insert "the sum of \$272.50; Capt. Frederick G. Lawton, the sum of \$1,400; Capt. Frank B. Watson, the sum of \$1,500; and Capt. James Ronayne, United States Army, the sum of \$1,658, which sums"; in line 9, after the word "necessary," to strike out "is" and insert "are"; in line 11, after the word "said," to strike out "sum" and insert "sums"; on page 2, line 1, after the word "by," to strike out "him" and insert "them"; and on line 5, after the word "from," to strike out "him" and insert "each," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Capt. Edward T. Hartmann the sum of \$272.50, Capt. Frederick G. Lawton the sum of \$1,400, Capt. Frank B. Watson the sum of \$1,500, and Capt. James Ronayne, United States Army, the sum of \$1,658, which sums, or so much thereof as may be necessary, are hereby appropriated, said sums to be payment in full for all losses of personal property incurred by them by reason of the sinking of the U. S. transport *Meade* in the harbor of Ponce, Porto Rico, on or about May 16, 1899: *Provided,* That the accounting officer of the Treasury shall require a schedule and affidavit from each, such schedule to be approved by the Secretary of War.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Capt. Edward T. Hartmann, United States Army, and others."

JOHN A. GAULEY.

The bill (H. R. 2396) for the relief of John A. Gauley was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SWANHILD SIMS.

The bill (H. R. 6198) authorizing payment of compensation to Swanhild Sims for personal injuries was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINA REA, ADMINISTRATRIX.

The bill (H. R. 9048) for the relief of Catherina Rea, administratrix of the estate of John Rea, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE TEXAS CO.

The bill (S. 1255) authorizing the Texas Co. to bring suit against the United States was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the owners of the steamer *Texas* arising out of a collision between said steamer and the U. S. S. *Fredrick der Grosse* off Tompkinsville, Staten Island, in the harbor of New York, on the 3d day of September, 1917, for and on account of the losses alleged to have been suffered in said collision by the owners of said steamer *Texas* by reason of damages to and detention of said steamer, may be submitted to the United States court for the district of New York, under and in compliance with the rules of said court sitting as a court of admiralty; and that the said court shall have jurisdiction to hear and determine the whole controversy and to enter a judgment or decree for the amount of the legal damages sustained by reason of said collision, if any shall be found to be due either for or against the United States, upon the same principle and measure of liability, with costs, as in like cases in admiralty between private parties, with the same rights of appeal.

SEC. 2. That should damages be found to be due from the United States to the owners of said steamer *Texas*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated: *Provided,* That such suit shall be brought and commenced within four months after the passage of this act.

SEC. 3. That the mode of service of process shall conform to the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the United States."

The bill was reported to the Senate without amendment.

Mr. SMOOT. Mr. President, section 2 of this bill provides as follows:

That should damages be found to be due from the United States to the owners of said steamer *Texas*, the amount of the final decree or decrees therefor shall be paid out of any money in the United States Treasury not otherwise appropriated.

I move to strike out section 2 of the bill.

Mr. SHEPPARD. Mr. President, I believe that course has been pursued as to all other similar bills.

Mr. SMOOT. As to all similar bills.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Utah.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SOUTHERN IRON & METAL CO.

The bill (S. 3031) to appropriate \$1,189.35 for the relief of Southern Iron & Metal Co., Jacksonville, Fla., for salvage material, consisting of submarine cable purchased from the War Department, was announced as next in order.

Mr. WARREN. I should like to have that bill read.

The Reading Clerk read the bill.

Mr. WARREN. Is there a report there or any explanation of the bill? I do not see in his place the Senator who reported it.

Mr. SMOOT. Let it go over, Mr. President.

The VICE PRESIDENT. The bill will be passed over.

COURTS IN NEW MEXICO.

The bill (S. 4310) to amend an act entitled "The New Mexico enabling act" was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That section 13 of the act entitled "An act to enable the people of New Mexico to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States," approved June 20, 1910, is hereby amended to read as follows:

"SEC. 13. That the State, when admitted as aforesaid, shall constitute one judicial district, and the circuit and district courts of said district shall be held at the capital of said State, and the said district shall, for judicial purposes, be attached to the eighth judicial circuit. There shall be appointed for said district one district judge, one United States attorney, and one United States marshal. The judge of said district shall receive a yearly salary the same as other similar judges of the United States, payable as provided for by law, and shall reside in the district to which he is appointed. There shall be appointed clerks of said courts, who shall keep their offices at the capital of said State. The regular terms of said courts shall be held on the first Monday in March and the first Monday in September of each year. The circuit and district courts for said district and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and the clerks of the circuit and district courts of said district, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully possessed and required to be performed by similar officers in other districts of the United States, and shall for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in the Territory of New Mexico."

Mr. NELSON. Mr. President, I desire to explain that all there is in the bill is changing a term of court. It reenacts a provision of the statute in relation to New Mexico, but the only change effected is the change of a term of court, recommended by the judge and by the Department of Justice.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MASONIC MUTUAL RELIEF ASSOCIATION.

The bill (S. 4400) to amend an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That sections 2, 3, and 5 of an act entitled "An act to incorporate the Masonic Mutual Relief Association of the District of Columbia," approved March 3, 1869, as amended, be amended to read as follows:

"SEC. 2. That membership in this association shall be limited to Master Masons, and that the business and objects of the society or corporation shall be to provide, maintain, and disburse a fund for the benefit of the members, their wives, widows, children, orphans, dependents, heirs, assignees, legatees, or beneficiaries, and for this purpose it shall and may be lawful for the said society or corporation to make all and every insurance appertaining to or connected with life or disability risks of whatever kind and nature; and, in addition thereto, to provide, maintain, and disburse a fund for owning, establishing, maintaining, and operating homes, hospitals, sanitariums, and any other aid or service for its members, Master Masons, their wives, widows, children, orphans, dependents, or beneficiaries; and because of its fraternal organization and benevolent purposes it shall be defined and classed as a fraternal beneficial society: *Provided, however,* That upon all contracts of insurance it shall maintain a reserve fund adequate to meet all liabilities thereon, and which in case of life risks shall be not less than that computed upon the American experience table of mortality at 4 per cent interest.

"SEC. 3. That the number of directors of said association shall be at least 21, a number of whom, less than a majority, shall be elected annually by the members of the association from among themselves and shall serve for three years. In all cases of a tie vote the choice to be determined by lot, and in all other cases a plurality vote shall decide. That the annual meeting of said association shall be held on the third Tuesday in February of each year, and said directors shall, at their first meeting succeeding the annual meeting of the association, elect one of their number to be president of the board of directors, who shall also be president of the association, and shall elect one of their number as vice president, and one of their number or a member of the association as secretary of the association, and the said secretary of the association shall give bond with surety to said association in such sum as the board of directors may require for the faithful discharge of his duties; and one of their number as treasurer, who shall also give bond with surety to said association in such sum as the said board of directors may require for the faithful discharge of his trust. At all meetings

of the board of directors 12 members of the board shall form a quorum. In case of any vacancy in the board of directors, by death, resignation, or otherwise, such vacancy shall be filled by the remaining directors from among the members of said association for the remainder of the unexpired term.

"SEC. 5. That the said board of directors may be increased from time to time to a number not exceeding the number of grand lodges of Masons in the United States, and the said board shall be capable of taking and holding the funds, property, and effects of said corporation, which funds, property, or effects shall forever be devoted to the purpose mentioned in section 2 hereof."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GOVERNMENT DEPOSITARIES.

The bill (S. 4436) to amend the act approved December 23, 1913, known as the Federal reserve act, was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the first paragraph of the act approved December 24, 1919, known as the Edge Act, amending the Federal reserve act, be amended by adding at the end a proviso, so that the paragraph as amended will read as follows:

"SEC. 25. (a) Corporations to be organized for the purpose of engaging in international or foreign banking or other international or foreign financial operations, or in banking or other financial operations in a dependency or insular possession of the United States, either directly or through the agency, ownership, or control of local institutions in foreign countries, or in such dependencies or insular possessions as provided by this section, and to act when required by the Secretary of the Treasury as fiscal agents of the United States, may be formed by any number of natural persons, not less in any case than five: *Provided*, That nothing in this section shall be construed to deny the right of the Secretary of the Treasury to use any corporation organized under this section as depositaries in Panama and the Panama Canal Zone or in the Philippine Islands and other insular possessions and dependencies of the United States."

Mr. McLEAN. Mr. President, this bill merely gives the Secretary of the Treasury the power to designate corporations organized under the Edge Act to act as Government depositaries. The Secretary of the Treasury is now using a bank in the Panama Canal Zone organized under State law. That bank wants to reorganize and operate under the Edge Act, and the Treasury Department is afraid that if the bank does that the Secretary will be precluded from using it any longer for that purpose. That is all the bill provides.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WOODFORD BANK & TRUST CO.

The bill (H. R. 11030) for the relief of the Woodford Bank & Trust Co., of Versailles, Ky., was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem certificates of indebtedness of the United States of America, Nos. 14978 and 14979, each of the denomination of \$5,000, and each of the issue dated April 10, 1919, and maturing September 9, 1919, with interest from April 10, 1919, to September 9, 1919, in favor of the Woodford Bank & Trust Co., of Versailles, Ky., without presentation of the certificates, the said certificates of indebtedness having been lost, stolen, or destroyed: *Provided*, That the said Woodford Bank & Trust Co., of Versailles, Ky., shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of said certificates of indebtedness of the United States of America in such form and with such sureties as may be acceptable to the Secretary of the Treasury to indemnify and save harmless the United States from any loss on account of the said certificates of indebtedness hereinbefore described which were lost, stolen, or destroyed.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. BROWN.

The bill (S. 4324) for the relief of William C. Brown was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the President of the United States, in his discretion, be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Col. William C. Brown, United States Army, retired, to the position and rank of brigadier general on the retired list.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PERRY L. HAYNES.

The bill (H. R. 1309) for the relief of Perry L. Haynes was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on line 6, after the words "National Guard," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to reimburse Second Lieut. Perry L. Haynes, Coast Artillery Corps, National Guard, out of any money in the Treasury not otherwise appropriated, in the sum of \$855.75, which amount represents funds belonging to the Government of the United States for which he was held accountable and which were lost through no fault of his.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed for a third reading and the bill to be read a third time.

The bill was read the third time and passed.

EXPENSES OF THE DISTRICT OF COLUMBIA.

The bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia was considered as in Committee of the Whole.

The bill had been reported from the Committee on the District of Columbia, with an amendment, to strike out all after the enacting clause, and to insert:

Be it enacted, etc., That one half of the following sums, respectively, is appropriated out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, in full for the following expenses of the government of the District of Columbia for the fiscal year ending June 30, 1921, namely:

Hereafter the estimates of the Commissioners of the District of Columbia for any fiscal year, submitted in accordance with the act of June 11, 1878, shall state the necessary expenses of the government of the District of Columbia for said year, and shall bear no arbitrary relation to the total estimated revenues of the District of Columbia for such fiscal year, and the Secretary of the Treasury is authorized and directed to advance, on the requisition of the Commissioners of the District of Columbia, made in the manner now prescribed by law, out of any moneys in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, as authorized by Congress, and to reimburse the Treasury for the portion of said advances payable by the District of Columbia out of the taxes and revenues collected for the support of the government thereof. If in any year the taxes and revenues of the District of Columbia shall be insufficient to reimburse the Treasury for the portion of said advance payable by the District of Columbia, such unpaid advance shall be reimbursed to said Treasury out of the revenues of the District of Columbia of the succeeding year or years. If in any year the taxes and revenues of the District of Columbia shall be more than sufficient to reimburse the Treasury for the portion of said advances payable by the District of Columbia, such surplus of revenue and all unexpended surpluses of District revenue shown by the reports of said commissioners to have been heretofore accumulated and deposited in the Treasury of the United States shall be held in the Treasury as a trust fund for the benefit of said District and be available as revenue of the District of Columbia for meeting the portion of appropriations payable by said District in the succeeding year or years, and all acts and parts of acts in conflict with any of the provisions herein contained are hereby repealed.

Hereafter the 50 per cent of approved estimates to be levied and assessed under the act of June 11, 1878, upon the taxable property and privileges in said District, shall be raised by the imposition of such rate of taxation on realty and tangible and intangible personal property as the commissioners shall ascertain to be necessary to raise annually, in combination with other District tax revenues and unexpended tax surpluses of previous years, a sum sufficient to meet the proportion of expenses to be paid by the District of Columbia under said act of June 11, 1878.

The amendment was agreed to.

Mr. JONES of Washington. I wanted to suggest an amendment, Mr. President, but I will let it go. The bill will have to go to conference.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

Mr. JONES of Washington. Mr. President, I desire to make a statement with reference to the bill which has just been passed. The bill will go to conference, and I think the conference can take care of the proposition which is involved in the amendment I wanted to offer. What I intended to propose was to strike out the words "and intangible," on page 3, line 23, so as to allow the present rate on intangible property to stand and not attempt to deal with that. Then I intended to propose the following proviso at the end of line 3:

Provided, That the basic tax rate of 1½ per cent now on realty and tangible property shall not be decreased.

It might be increased, but I proposed that it should not be decreased. I think both those propositions can be cared for in conference under the amendment that has just been agreed to. So I will not ask for reconsideration of the vote by which the bill was passed.

ARMENIAN MANDATE.

The resolution (S. Con. Res. 27) declining to grant to the Executive the power to accept a mandate over Armenia was announced as next in order.

Mr. SMOOT. I ask that the resolution may go over.

The VICE PRESIDENT. The concurrent resolution will be passed over.

RUSSIAN RAILWAY SERVICE CORPS.

Mr. SMOOT. Mr. President—

The VICE PRESIDENT. The Senator from Utah.

Mr. POINDEXTER. Mr. President, I hope the Senator from Utah will not make a motion to take a recess until there is an opportunity to call the other bills on the calendar which are not printed. One or two have been reported to-day.

Mr. SMOOT. I am informed that the bills are not at the desk. We will have plenty of time to consider them next week.

Mr. POINDEXTER. If the bills are not available at the desk at this time, I will not insist on taking them up.

The VICE PRESIDENT. The bill on the calendar at the desk will be stated.

The READING CLERK. A bill (S. 3865) providing for the men and officers in the Russian Railroad Service Corps the status of enlisted men and officers of the United States Army when discharged.

The amendment of the Committee on Military Affairs was to strike out all after the enacting clause and insert:

That the officers who are or have been in the Russian Railway Service Corps, organized by the War Department in 1917, under the authority of the President of the United States, shall henceforth have the status as to honorable discharge, when they are, or if they have been, honorably discharged from such service, of officers honorably discharged from the Army of the United States.

That all officers of this corps, active and honorably discharged, shall be entitled to receive all benefits under the war risk and war compensation acts, with all amendments thereto, provided that applications for war-risk insurance shall not be granted unless the applications therefor shall be made within 120 days from and after the passage of this act.

That any officer of the Russian Railway Service Corps who, while in active service and before the expiration of 120 days from and after the passage of this act, becomes or has become totally or permanently disabled, or dies, or has died, without having applied for insurance, shall be deemed to have applied for and to have been granted insurance in the manner provided for in section 401 of the war-risk insurance act.

Amend the title so as to read: "A bill providing for the officers in the Russian Railway Service Corps the status of officers of the United States Army when discharged."

Mr. KING. Mr. President, I was called out of the Chamber; I have been quite poorly. I desire to ask if this is the same bill I objected to a little while ago?

Mr. POINDEXTER. I think it is, Mr. President. I hope the Senator from Utah will not insist upon his objection. The bill was unanimously reported by the Committee on Military Affairs after a very elaborate hearing, and it is a mere measure of justice to some 215 young railroad men who were organized by the War Department, furnished with Army uniforms, and sent to Siberia, where they served for about two years under arduous circumstances.

Mr. KING. Mr. President, I do not think the Senator from Washington has treated me very fairly in this matter. I objected to the consideration of the bill just a few moments ago when unanimous consent was asked for its consideration. It is a matter which had not been called to the attention of the Senate, and none of us had had a chance to become familiar with its provisions or to determine the character of the precedent which it would establish. Desiring an opportunity to investigate it in its implications, I objected to its consideration.

Later the Senator from Washington approached me and asked me, in substance, the nature of my objections. I very briefly pointed them out. I told him I should be glad to look into the matter, and would do so within the next day or two; that I would not object to the bill being brought up for consideration at a later time after opportunity for investigation.

I had been out of the Chamber for a little while, and was just passing by when I heard the bill being read. I do not think it was fair or parliamentary for the Senator, under those circumstances, to take advantage of my absence and call this bill up again within a few minutes. I object to its consideration now.

The VICE PRESIDENT. The bill goes over.

Mr. POINDEXTER. Mr. President, I should like to take an opportunity of saying, in response to what the Senator from Utah has said, that every Senator is necessarily his own judge of propriety and of ethics.

The Senator from Utah has undertaken to state a conversation which I had with him to-day, and he stated it very inaccurately—no doubt unintentionally. He stated on the floor just now that he said he would examine this measure and come to some decision in a day or two. I am unaware of any such conversation having been had with him at all. No such language was uttered by him in my presence.

I am not aware of any impropriety, when the calendar is being called, of allowing bills which are on the calendar to come up. I had no agreement with the Senator from Utah in regard to this bill. If the Senator from Utah desires to object to bills, it is his place to be in his seat in the Senate and object to them; it is not my business to find the Senator from Utah. He made no request of me to postpone the consideration of this bill; he did not give any intimation of the kind. I undertake to say that the Senator from Utah has no more accurate sense of propriety on occasions of this kind than I have myself.

Mr. KING. Mr. President, I challenge the accuracy of the statement of the Senator from Washington. The substance of the conversation was clearly an indication that I desired to have an opportunity to look into the bill.

Mr. POINDEXTER. Does the Senator from Utah undertake to say that he asked me to postpone the consideration of the bill and that I agreed to do so?

Mr. KING. Mr. President, the Senator from Washington came to my seat after I had objected to the bill and asked me what my objections were, and I stated, in substance, that I desired an opportunity to look into the bill, and I would do so at the earliest possible moment. I did state, in substance, that I hoped to do so within the next day or so, and I shall do so. The bill may be entirely proper, but as I have heard the bill read, it will lead, it seems to me, to dangerous precedents. I certainly got the understanding from the conversation between us that an opportunity would be given for me to examine the bill and to make up my mind in regard to the matter. If the Senator feels that under those circumstances if I stepped out from the Chamber it was proper to call the bill up again, he has the right to do so, and he will judge as to whether it is proper or not.

Mr. POINDEXTER. Mr. President, I do not want to prolong this matter, but I wish to say that if I had with the Senator from Utah any such conversation as he states was had, in substance or any other way, I would consider that I ought to have notified him again before bringing up the bill. But I did not have any such conversation with him, and he did not ask me to postpone consideration of it. He did not state that he desired any further opportunity to be heard on the subject. Nothing of that kind passed between us.

And I want to say to the Senator from Utah that if, when the calendar is called again, this bill is reached and called, I shall not ask for a postponement of its consideration. The Senator from Utah will have to be in the Senate and make his own objection. The situation now is exactly the same as it has been heretofore. At the time the Senator from Utah referred to, the bill was not on the calendar; it was just being reported, and when it was called just now it was called in the ordinary course of the call of the calendar.

MILITARY STATUS OF CERTAIN EMPLOYEES.

Mr. WADSWORTH. Mr. President, if there is no further business at this moment, I desire to take just a little time in calling attention to a letter printed in the RECORD of yesterday's proceedings, on pages 7714-7715, a letter addressed to the Senator from South Dakota [Mr. STEERLING], from the president of the Civil Service Commission, Hon. Martin A. Morrison, in which the commissioner makes certain observations about what he calls the militarizing of the civil service under the War Department. I shall not read all of the letter, because it is already in the RECORD, but I think it would be interesting to call attention to the very evident misunderstanding that the Civil Service Commission has reached about the function of the soldier.

A table is printed as part of the letter, near the bottom of the second column, on page 7714, in which it is set forth that 27,200 soldiers of the Army are to be assigned to seven of the services named in that table. I will not recite them all, but merely call attention to the fact that apparently the Civil Service Commission believes that the 12,500 soldiers of the Army who are to be assigned to the Transportation Service are to do clerical work, and therefore it is an invasion of the civil-service theory and rules and practice of the Government.

The fact is, of course, that the 12,500 men to be assigned to the Transportation Service are the soldiers who drive the trucks, the soldiers who repair the trucks and who keep gas engines in repair. They are just as much soldiers as the infantrymen, the cavalrymen, and the field artillerymen. Mr. Morrison apparently believes that they are going to sit at desks and swing pens.

He complains that there are 6,000 men being assigned to construction service. As a matter of fact, those are men who have to do the roughest kind of field work and must, of course, be soldiers.

He also complains that there are 6,000 men assigned to the Ordnance Corps, and apparently assumes that they are to do clerical work. As a matter of fact, the soldiers in the Ordnance Corps handle the high explosives and repair machine guns and keep track of ammunition and the artillery supplies, and issue them to combat troops. They go with the troops in the field. They are subject to battle action. They must, of course, be a part of the Army. They do not do clerical work. They do soldiers' work.

Mr. Morrison is completely mistaken about the matter. He makes such a point of it as that it will break down our whole theory of civil service and protection of the civil service that I desire to point out that he does not know what a soldier is compelled to do.

Mr. WARREN. Will the Senator yield?

Mr. WADSWORTH. Certainly.

Mr. WARREN. Of course, it is not understandable how he made such a mistake, but there must be some reason. Has the Senator discovered as yet where this mistake has occurred, that these soldier places all the way down should be filled from the civil list of eligibles brought into the Army through the civil service? This soldier clerical force is not like the department clerical forces in the War Department and other departments, who are never called to leave their desks here in Washington. These whom Mr. Morrison enumerates are clerks who are subject to be sent to any part of the country, to an Army headquarters, a division headquarters, where there are adjutants general, inspectors general, and others.

Mr. WADSWORTH. I am sure I do not know the reason. He complains, for example, that 400 men are to be assigned to The Adjutant General's Department and that they are to do clerical work. Of course, those form a portion of the recruiting force, who go out to recruit the Army of the United States. They will be doing Army work, and yet Mr. Morrison believes that they ought to be civil-service employees and not subject to any regular military discipline at all; that the men who drive Army trucks and Quartermaster trucks and Ordnance Department trucks, who go along the shell-beaten roads of France, should be civil-service employees and not subject to military discipline. Of course, he has a complete misconception of the whole thing.

The most ludicrous of his complaints is his contention that 1,200 men assigned to Chemical Warfare Service should not be assigned from the soldiers of the Army. Those are the men who distribute the gas grenades in the front-line trenches and who are the gas troops. It may be that certain kinds of gas can be distributed by civilians, but not that kind of gas. They have to be soldiers and have to be members of the Army under Army discipline.

Mr. Morrison contends that headquarters clerks should be civilian employees, and that we should not have anything like Army field clerks. As a matter of fact, the Army field clerks have to accompany the Army in the field; they go with headquarters, with the regiment or brigade or division, often under fire of the enemy, and some were killed or wounded in the war. They wear uniforms and are subject to military discipline.

Mr. Morrison does not seem to understand that civil-service employees, protected under civil-service regulations, are not subject to military discipline and would be utterly out of place in positions of that sort. From this letter his complete misconception is apparent of what the Army does in its several branches. I merely desire to enter my protest against the contention of the Civil Service Commission to the effect that all these services in the Army should be placed under the Civil Service Commission rather than under the general in command.

Mr. WARREN. One would think, to look at this table of 27,200 men, that his contention is they should all be subject to the Civil Service Commission.

Mr. WADSWORTH. Yes; they must be subject to the Civil Service Commission, according to Mr. Morrison.

Mr. WARREN. They begin with The Adjutant General's, the Inspector General's, the judge advocates' officers, who are appointed officers or enlisted men, and all have passed their military examinations and from time immemorial have been subject to military discipline. All of the Army clerks, field and others, are subject to being sent to the battle front and are expected to do duty under fire if necessary.

Mr. WADSWORTH. Mr. Morrison thinks these men should not be selected for the Army in that way, but that they should be appointed under the civil-service law and appointed for life.

Mr. WARREN. Of course, there is no law which justifies that; but I am sure the president of the board, Mr. Morrison, must be laboring under some misapprehension. It could not be more absurd if they would submit that Senators of the United States ought to be examined by the Civil Service Commission.

Mr. WADSWORTH. That is true.

RECESS.

Mr. SMOOT. Mr. President, I move that the Senate take a recess until 11 o'clock to-morrow.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m., Friday, May 28, 1920) the Senate took a recess until to-morrow, Saturday, May 29, 1920, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 28 (legislative day of May 24), 1920.

BUREAU OF FOREIGN AND DOMESTIC COMMERCE.

The following-named officer of the Bureau of Foreign and Domestic Commerce in the Department of Commerce to be first assistant director (by promotion from second assistant director):

Charles Eldred Herring, of the District of Columbia, vice Roy S. MacElwee, promoted.

The following-named officer of the Bureau of Foreign and Domestic Commerce in the Department of Commerce to be second assistant director (by promotion from chief of division):

Oliver Paul Hopkins, of Pennsylvania, vice Charles Herring, promoted.

UNITED STATES CIRCUIT JUDGE.

J. Warren Davis, of Trenton, N. J. (now United States district judge), to be United States circuit judge, third judicial circuit, vice Thomas G. Haight, resigned.

UNITED STATES DISTRICT JUDGE.

Joseph L. Bodine, of Trenton, N. J. (now United States attorney), to be United States district judge, district of New Jersey, vice J. Warren Davis, nominated to be circuit judge.

UNITED STATES ATTORNEYS.

James E. Carroll, of St. Louis, Mo., to be United States attorney, eastern district of Missouri, vice W. L. Hensley, resigned, effective June 1, 1920.

Elmer H. Geran, of Matawan, N. J., to be United States attorney, district of New Jersey, vice Joseph L. Bodine, nominated to be United States district judge.

REGISTERS OF LAND OFFICES.

Hubbard H. Abbott, of Colorado, to be register of the land office at Del Norte, Colo., his present term expiring July 24, 1920. (Reappointment.)

Benjamin Spear, of Washington, to be register of the land office at Waterville, Wash., his term having expired. (Reappointment.)

Hilmar Schmidt, of Wisconsin, to be register of the land office at Wausau, Wis., his term having expired. (Reappointment.)

RECEIVERS OF PUBLIC MONEYS.

George G. E. Neill, of Montana, to be receiver of public moneys at Helena, Mont., vice Frank F. Steele, resigned.

William A. White, of Washington, to be receiver of public moneys at Walla Walla, Wash., his term having expired. (Reappointment.)

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

Commander Kenneth M. Bennett to be a captain in the Navy from the 14th day of April, 1920.

The following-named lieutenant commanders to be commanders in the Navy from the 1st day of July, 1919:

Robert A. Abernathy,

John Downes, and

Harry A. Baldrige.

Lieut. Commander Joseph O. Fisher to be a commander in the Navy from the 23d day of September, 1919.

Lieut. Robert W. Cabaniss to be a lieutenant commander in the Navy from the 1st day of July, 1918.

The following-named lieutenants to be lieutenant commanders in the Navy from the 1st day of July, 1919:

Allan S. Farquhar,

Robert C. Giffen,

William T. Smith,

Richard S. Galloway, and

John F. Cox.

Lieut. Cortlandt C. Baughman to be a lieutenant commander in the Navy from the 20th day of July, 1919.

Lieut. Richard F. Bernard to be a lieutenant commander in the Navy from the 7th day of December, 1919.

The following-named lieutenants (junior grade) to be lieutenants in the Navy from the 7th day of June, 1919:

Herman E. Keisker,

Arthur G. Robinson,

Chapman C. Todd, jr.,

Hardy B. Page, and

Tunis A. M. Craven.

Lieut. (Junior Grade) Leo H. Thebaud to be a lieutenant in the Navy from the 1st day of July, 1919.

Ensign John D. Small to be a lieutenant (junior grade) in the Navy from the 5th day of June, 1918.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 3d day of June, 1919:

Arthur T. Emerson and
Charles G. Berwind.

The following-named passed assistant surgeons to be surgeons in the Navy with the rank of lieutenant commander from the 7th day of December, 1919:

Andrew B. Davidson,
Griffith E. Thomas,
Clyde B. Camerer,
George R. W. French,
William L. Irvine,
Walter A. Bloedorn,
Gardner E. Robertson,
William H. Connor, and
Joseph J. A. McMullin.

The following-named assistant surgeons to be passed assistant surgeons in the Navy with the rank of lieutenant from the 30th day of July, 1919:

Harold L. Jensen,
John P. Owen,
Arthur Freeman,
Harold W. Wellington,
Aubrey M. Larsen,
George B. Tyler,
Thomas C. Anderson, and
Alexander B. Hepler.

The following-named assistant dental surgeons to be passed assistant dental surgeons in the Navy with the rank of lieutenant from the 30th day of July, 1919:

George M. Frazier,
Albert Knox,
Everett K. Patton,
Griffin G. Frazier,
Irvin G. Kohlmeier, and
Richard C. Green.

Assistant Naval Constructor Ralph D. Weyerbacher to be a naval constructor in the Navy with the rank of lieutenant from the 1st day of May, 1920.

The following-named boatswains to be chief boatswains in the Navy from the 16th day of January, 1920:

Melvin C. Kent and
Albert C. Fraenzel.

Lieut. (Junior Grade) Walker P. Rodman to be a lieutenant in the Navy, for temporary service, from the 12th day of July, 1919.

Lieut. (Junior Grade) Stephen W. Burton to be a lieutenant in the Navy, for temporary service, from the 13th day of July, 1919.

Lieut. (Junior Grade) William Kuskey to be a lieutenant in the Navy, for temporary service, from the 14th day of July, 1919.

Capt. Frederick R. Hoyt to be a major in the Marine Corps, for temporary service, from the 10th day of April, 1920.

Capt. Harry W. Weitzel to be a major in the Marine Corps, for temporary service, from the 28th day of March, 1920, to correct the date from which he takes rank as previously nominated and confirmed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 28 (legislative day of May 24), 1920.

FEDERAL RESERVE BOARD.

Edmund Platt to be a member of Federal Reserve Board.

RENT COMMISSION, DISTRICT OF COLUMBIA.

Mrs. Clara Sears Taylor.

APPOINTMENTS AND PROMOTIONS IN THE NAVY.

To be lieutenant commander.

Lieut. Frank L. Lowe.

To be captains.

Capt. David F. Sellers,
Capt. Clark D. Stearns, and
Capt. Powers Symington.

First Lieut. David H. Owen to be a captain in the Marine Corps.

Second Lieut. David H. Owen to be a first lieutenant in the Marine Corps.

To be ensigns.

Laurence A. Abercrombie,
William V. Alexander, jr.,
William C. Allison,
Bern Anderson,

Albert S. Arkush,
Arthur De L. Ayrault, jr.,
George H. Bahm,
Harry W. Baltazzi,
Hampden O. Banks,
Morgan C. Barrett,
Virgil K. Bayless,
Edward P. Beach,
Charles H. Belcher,
Louis A. Benoist,
Wilson A. Benoist,
Burton B. Biggs,
Wesley C. Bobbitt,
Max I. Black,
Walter F. Boone,
Joseph F. Bolger,
Roscoe L. Bowman,
Charles E. Booth, jr.,
Wilbur F. Broun,
Harry A. Brandenburger,
William G. Buch,
Heber B. Brumbaugh,
Sydney S. Bunting,
Harry S. Bueche,
Carl H. Bushnell,
John G. Burrow,
Kenneth C. Caldwell,
Ralph E. Butterfield,
Guy Chadwick,
Jesse H. Carter,
Frederick G. Clay,
Nealy A. Chapin,
Oswald S. Colclough,
Howard Clark,
Oliver D. Colvin, jr.,
Sterling T. Cloughley,
William W. Cone,
Paul R. Coloney,
Allen B. Cook,
Arthur D. Condon,
John D. Corrigan,
Clarence V. Conlan,
Thomas O. Cullins, jr.,
Albert G. Cook, jr.,
Richard F. Cross, jr.,
Morton C. Hutchinson, jr.,
John J. Curley, jr.,
Arnold J. Isbell,
Duncan Curry, jr.,
Alan C. Curtiss,
Sampson G. Dalkowitz,
Thomas F. Darden, jr.,
Walter D. David,
Alan P. Davis,
Ransom K. Davis,
William S. G. Davis,
George H. De Baun,
Willard E. Dillon,
Sydney B. Dodds,
Samuel W. DuBois,
James R. Dudley,
Percy Earle,
Harold W. Eaton,
William G. Eaton,
Dew W. Eberle,
Alexander S. Edward,
Frank J. R. Eggers,
John M. Eggleston,
Edward H. Enright,
Charles F. Erck,
Thomas A. Esling, jr.,
William G. Fewel,
William F. Fitzgerald, jr.,
William B. Fletcher, jr.,
James L. Fly, jr.,
Edwin G. Fullinwider,
Daniel V. Gallery, jr.,
Gerard F. Galpin,
Kinloch N. Gardner,
Olin E. Gates,
William A. Gorry,
Alfred M. Granum,
Edwin D. Graves, jr.,
Alexander J. Gray, jr.,
Clark L. Green,

Nathan Green, jr.,
 John F. Grube,
 Elmon B. Guernsey,
 Harry A. Guthrie,
 Edward E. Haase,
 Benjamin L. Hailey,
 William M. Hainer,
 Grover B. H. Hall,
 James E. Hamilton,
 Edgar W. Hampson,
 Byron H. Hanlon,
 Harlo H. Hardy,
 Bryan C. Harper,
 James C. Harris, jr.,
 John W. Harris,
 Walter J. Harrison,
 Leonidas E. Hill, jr.,
 Thaddeus B. Hopper,
 Paul E. Howard,
 Joseph C. Hubbard,
 Howard H. Hubbell,
 Roy C. Hudson,
 John H. P. Hughart, jr.,
 Linfield L. Hunt,
 Ralph B. Hunt,
 Stuart H. Ingersoll,
 Virgil V. Jacomini,
 William B. Jackson, jr.,
 Llewellyn J. Johns,
 Leon J. Jacobi,
 Delamer L. Jones,
 John W. Jamison,
 Allan E. Julin,
 Bascom S. Jones,
 Frederick G. Kahn,
 John G. Jones,
 Marion R. Kelley,
 William W. Juvenal,
 Richmond K. Kelly,
 Brian B. Kane,
 Roland R. Killian,
 William P. Kellogg, 2d,
 Frederick D. Kime,
 Thomas J. Kelly,
 Edward T. Kline,
 William M. Killingsworth,
 Andrew W. Knisley,
 James Kirkpatrick, jr.,
 Lloyd Lafot,
 Charles R. Kloman,
 William G. Lalor,
 Franklin B. Kohrs,
 John E. Lawson, jr.,
 Burton G. Lake,
 Wilson D. Leggett, jr.,
 Philip D. Lampert,
 Maris V. Lewis,
 Andrew P. Lawton,
 Lawrence Litchfield, jr.,
 George A. Leighton,
 Harold E. McCarthy,
 Gerald D. Linke,
 Wayne A. McDowell,
 Leonard Le B. Lyons, jr.,
 William B. McHugh,
 Frank C. McClure,
 Renwick S. McIver,
 Joseph A. McGinley,
 Cecil G. McKinney,
 Francis X. McInerney,
 Heber H. McLean,
 Francis J. McKenna,
 Burns Macdonald, jr.,
 Frank M. McLaury,
 Atherton Macondray, jr.,
 Ralph E. McShane,
 Charles J. Maguire,
 James S. MacKinnon,
 William E. Makosky,
 Charles G. Magruder, jr.,
 William L. Maxson,
 Artyn L. Main,
 De Long Mills,
 Harold L. Meadow,
 Campbell H. Minckler,

William R. Millis,
 Theodore O. Molloy,
 Edward J. Milner,
 Walter E. Moore,
 Lucian A. Moebus,
 Leland W. Morrow,
 Gilbert B. Myers,
 Thomas G. Murrell,
 Christopher Noble,
 Ralph O. Myers,
 Timothy J. O'Brien,
 Kenneth H. Noble,
 John L. B. Olson,
 Clarence E. Olsen,
 Archie Paley,
 Leo L. Pace,
 George H. L. Peet,
 Gordon B. Parks,
 Paul E. Pihl,
 Raymond C. Percival,
 James C. Pollock,
 John E. Pixton,
 Charles R. Pratt,
 William C. Powell,
 William F. Ramsey,
 Joe L. Raichle,
 Paul J. Register,
 William L. Rees,
 Carl H. Reynolds, jr.,
 James C. Reisinger,
 Harry E. Rice, jr.,
 Charles W. Rhodes,
 Francis J. Riley,
 George L. Richmire,
 Kilburn H. Roby,
 James L. Robertson,
 Willis N. Rogers,
 Joseph W. Rodes,
 Paul E. Roswall,
 David B. Rossheim,
 Joe E. Rucker,
 Edward E. Roth,
 Thomas J. Ryan, jr.,
 John C. Rule,
 Joseph O. Saurette,
 Ralph C. Sanson,
 Norman O. Schwien,
 Edwin W. Schell,
 Joseph Seletski,
 Malcolm E. Selby,
 Burce Settle,
 Mortimer E. Serat, jr.,
 Eugene P. Sherman,
 Glenn H. Sheldon,
 Roy M. Signer,
 Carleton Shugg,
 Rodger W. Simpson,
 Roland E. Simpson,
 Edwin F. Smellie,
 Barnett Sisson,
 Sherwood B. Smith,
 Talbot Smith,
 John A. Snackenber,
 Elmer D. Snare,
 Robert C. Sprague,
 Ralph R. Stogsdall, jr.,
 Robert Strite,
 William E. Sullivan,
 Fred Morris, jr.,
 Ralph D. F. Sweeney,
 Donald R. Tallman,
 Wendell G. Switzer,
 Warren F. Taylor,
 Raymond D. Tarbuck,
 Rufus G. Thayer,
 Lyman A. Thackrey,
 Edward M. Thompson,
 Colin J. Thomas,
 Rutledge B. Tompkins,
 Carlton R. Todd,
 Walter S. K. Trapnell,
 Lloyd L. Tower,
 Joseph C. Van Cleve,
 Arnold E. True,
 Claiborne J. Walker,

George van Deurs,
Richard M. Watt, jr.,
John A. Waters, jr.,
William Webster, jr.,
Thomas L. Wattles,
Charles Wellborn, jr.,
Max Wellborn,
Forrest H. Wells,
Timothy F. Wellings,
Charles D. Wheelock,
Robert K. Wells,
Wilbur A. Wiedma,
Charles A. Whiteford,
John H. Willis,
Henry G. Williams,
Paul B. Wishart,
Dwight H. Wilson,
Charles P. Woodson,
John P. Womble, jr.,
George S. Young,
Ray F. Yager,
Thomas E. Zellars,
Parke G. Young,
Carl A. L. Sundberg, and
Rupert M. Zimmerli.

To be a colonel in the Marine Corps.

Lieut. Col. Dickinson P. Hall.

To be a lieutenant colonel in the Marine Corps.

Maj. Charles T. Westcott.

To be a major in the Marine Corps.

Capt. Frederick R. Hoyt.

To be second lieutenants in the Marine Corps.

Henry T. Birmingham,
Hjalmar A. Christensen,
Louis E. Marie, jr.,
Ivan W. Miller,
Joe N. Smith, and
James H. Strother.

POSTMASTERS.

ALABAMA.

Thomas L. Lindsey, Fayette.

ILLINOIS.

Joseph D. Robertson, Barrington.
Edwin C. O'Brien, Barry.
Mack M. Lane, Crete.
Jeremiah J. Carr, Hume.
Frank G. Robinson, El Paso.
Cornelius D. Pautler, Evansville.
Ralph E. Trickle, Rantoul.
Christian Andres, Tinley Park.
George A. Hill, Virginia.
Frank Z. Carstens, Woodriver.

KENTUCKY.

Marvin W. Barnes, Elizabethtown.
William M. Lowery, Fredonia.
Mary Molloy, Kuttawa.
Frank H. Wade, Pembroke.
Loring C. Kackley, Pineville.

MASSACHUSETTS.

James W. Hastings, Duxbury.
Herbert E. Buxton, Shrewsbury.
Walter B. Currier, South Acton.

MINNESOTA.

Alfred E. Hill, Aurora.
George H. Hopkins, Battle Lake.
Hans P. Becker, Hanska.

MONTANA.

Robert Parsons, Sweetgrass.

NEW YORK.

Guy O. Hinman, Angelica.
Frank M. Evans, Fredonia.

NORTH DAKOTA.

Evelyn Johnson, Bowbells.
Walter M. Moore, Forbes.

OKLAHOMA.

Mary L. Whaley, Eldorado.
William M. Erwin, Pauls Valley.
Alva G. Sweezy, Quapaw.

PENNSYLVANIA.

Andrew E. Hildebeitel, Souderton.

PORTO RICO.

Jose M. Alcover, Arecibo.
Moises Jordan, Utuado.

SOUTH DAKOTA.

Harry A. Briggs, Ipswich.
William L. Lowry, Leola.
William R. Amoo, Morristown.

TENNESSEE.

Connell G. Byrd, Adams.
Walter W. Price, Oneida.
Bessie P. Downing, South Pittsburg.

WISCONSIN.

Homer J. Samson, Cameron.
Adlai S. Horn, Cedarburg.
Ernest R. Nickel, Chippewa Falls.
Lawrence P. Miller, Hortonville.
George A. Slaiken, Luck.
Leo E. Butenhoff, Markesan.
Anton C. Martin, Neillsville.
Paul Herbst, Park Falls.
Percy L. Miner, Pepin.
Wilber E. Hoelz, Random Lake.
Alvin L. Olson, Scandinavia.
Roy D. Larrieu, Spring Valley.
Hans P. Hansen, Withee.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 28 (legislative day of May 24), 1920.

PROMOTION IN THE NAVY.

Capt. Frederick R. Hoyt to be a major in the Marine Corps, for temporary service, from the 28th day of March, 1920.

REJECTION.

Executive nomination rejected by the Senate May 28 (legislative day of May 24), 1920.

COMMISSIONER OF THE DISTRICT OF COLUMBIA.

John Van Schaick, jr., to be a Commissioner of the District of Columbia.

HOUSE OF REPRESENTATIVES.

FRIDAY, May 28, 1920.

The House met at 12 o'clock noon.

The SPEAKER. The House will be in order and—

Mr. MURPHY. Mr. Speaker, I think there ought to be a quorum present to hear this prayer this morning, and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Ohio makes the point of order that there is no quorum present. There is no quorum present—

Mr. MONDELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The Clerk called the roll, and the following Members failed to answer to their names:

Booher	Evans, Nev.	Kless	Riddick
Bowers	Flood	Kitchin	Rucker
Britten	Gould	Kraus	Scully
Burke	Graham, Pa.	Kreider	Sears
Cantrill	Greene, Vt.	Lankford	Shreve
Carter	Hardy, Tex.	Larsen	Small
Clark, Fla.	Hastings	Lea, Calif.	Smithwick
Cole	Haugen	McCulloch	Snell
Costello	Hayden	McPherson	Snyder
Crisp	Hernandez	Mansfield	Sullivan
Curry, Calif.	Hill	Mason	Tillman
Dale	Houghton	Moore, Va.	Upshaw
Dempsey	Hulings	Morin	Voigt
Drane	Igoe	Mudd	Wheeler
Drewry	Johnson, S. Dak.	Nicholls	Wilson, La.
Eagle	Jones, Pa.	Nolan	Wright
Edmonds	Kelley, Mich.	Parker	Yates
Ellsworth	Kennedy, Iowa	Pou	Young, N. Dak.
Elston	Kettner	Rhodes	

The SPEAKER. Three hundred and fifty Members have answered to their names. A quorum is present.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move to dispense with further proceedings under the call.

Mr. MURPHY. Mr. Speaker, I object.

The question was taken; and the Speaker announced the ayes seemed to have it.